91-1761

Supreme Court, U.S.
FILED
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No.

IN THE

# Supreme Court of the United States

October Term, 1991

FRANK PRAVDA

Petitioner,

vs.

UNITED STATES OF AMERICA;
STATE OF NEW YORK;
COUNTY OF SARATOGA, N.Y.;
CITY OF SARATOGA SPRINGS, N.Y.;
GEORGE HERBERT WALKER BUSH;
JAMES BOWEN, JOHN M. HOGAN, JR.;
ERNEST GRANT, TIMOTHY GRANT;
JANICE GRANT, JOE DOE, MAX DOE;
JOHN DOE, JACK DOE, JAMES DOE;
RONALD DOE, ROBERT DOE, PHIL DOE;

Respondents.

## PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

## PETITION FOR WRIT OF CERTIORARI

Frank Pravda
P.O. Box 313
Round Lake, New York 12151-0313

## QUESTIONS PRESENTED FOR REVIEW

1. Whether Torture is actionable directly under provisions of the Constitution controling the activity wherein it occurred, as in Plaintiff's being secretly tortured in a government facility for that purpose by government police forces and continuing out in public on the public roads as well as elsewhere as alleged by plaintiff in his complaint.

2. Whether plaintiff's fundamental constitutional rights were violated by District Judge Thomas J. McAvoy's outright dismissal of Frank Pravda's case without affording him a meaningful opportunity to present his responses to numerous motions as well as submit his own motions and undertake other activities in a complex case involving numerous defendants.

3. Whether Frank Pravda's complaint is sufficient to remain in Federal Court.

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Frank Pravda petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Second Circuit in this matter. The Opinion of the United States Court of Appeals for the Second Circuit has not been reported and is set forth in the Appendix, pp. 1a-4a. The Opinion of the United States District Court for the Northern District of New York has not been reported and is set forth in the Appendix, pp. 5a-7a.

## JURISDICTION

The judgment of the Court of Appeals was rendered on February 3, 1992. No petition for a rehearing having been filed. The jurisdiction of this Court to issue a writ of certiorari in this case is grounded on and invoked under 28 U.S.C. § 1254 (1), § 1651 (a), § 2106.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves Article I - Sections 1, 8, 10 ; Article II - Sections 1, 2 ; Article III - Sections 1, 2 ; Article IV - Section 2 ; Article VI ; Amendments I, IV, V, VI, VII, VIII, IX, X, XI, XIV of the Constitution of the United States; which are set forth in the Appendix, pp. 187a - 197a.

This case also involves Title 28 - Sections 1254 (1), 1291, 1331, 1343 (a)(1-4), 1651 (a), 2106; Title 42 - Sections 1983, 1985 (2)(3) of the United States Code; which are set forth in the Appendix, pp. 198a - 204a.

This case also involves Rules 12 (b) (1) (6), 41 (b), 52 (a), 54 (b), 56 (b)(c), 58 of the Federal Rules of Civil Procedure; which are set forth in the Appendix, pp. 205a - 210a.

## STATEMENT OF THE CASE

### 1. Statement of Facts

Petitioner is the plaintiff, Frank Pravda, named in a Complaint filed in the United States District Court for the Northern District of New York on April 5, 1991 ; in which he sought compensatory and punitive damages for injuries resulting from being tortured and otherwise harmed and injured by numerous government based defendants and others operating a conspiracy that he alleges was formed, and undertaken and that continues to operate to deprive him of his constitutional rights, and to injure him in his person and property; and in which he also sought an injunction to bring a halt to the conspiracy and its renewal in the future.

In his Complaint Petitioner Frank Pravda listed sixty-six Causes of Action topically listed here as follows:

1. Conspiracy in violation of 42 U.S.C. Section 1985 (2) (3)

2. Violation of the Constitution Amendment Four rights

3. Violation of Fifth Amendment rights

4. Violation of Fourteenth Amendment rights

5. Violation of 42 U.S.C. 1983

6. Assault and Battery

7. False Imprisonment

8. Intentional infliction of emotional distress

9. Conspiracy in violation of 42 U.S.C. Section 1985 (2) (3)

10. Torture

11. False arrest and imprisonment

12. Violation of Fourth Amendment rights

13. Violation of Fifth Amendment rights

14. Violation of Fourteenth Amendment rights

15. Violation of Sixth Amendment rights

16. Violation of Eighth Amendment rights

17. Violation of 42 U.S.C. 1983

18. Malicious prosecution

19. Assault and Battery

20. Intentional infliction of emotional distress

21. Attempted murder

22. Defamation

23. Reckless endangerment

24. Invasion of privacy

25. Terrorism

26. Violation of 42 U.S.C. 1985 (2) (3)

27. Assault

28. Violation of Fifth Amendment rights

29. Violation of Fourteenth Amendment rights

30. Violation of 42 U.S.C, 1983

31. Intentional infliction of emotional distress

32. Reckless endangerment

33. Invasion of privacy

34. Terrorism

35. Deception

36. Violation of Fourth Amendment rights

37. Violation of 42 U.S.C. 1985 (2) (3)

38, Violation of Fourth Amendment rights

39. Violation of Fifth Amendment rights

40. Violation of Fourteenth Amendment rights

41. Violation of 42 U.S.C 1983

42. Invasion of privacy

43. Torture

44. Terrorism

45. Reckless endangerment

46. Intentional infliction of emotional distress

47. Assault

48. Violation of 42 U.S.C. 1985 (2) (3)

49. Violation of right to privacy

50. Torture

51. Terrorism

52. Reckless endangerment

53. Intentional infliction of emotional distress

54. Oppression

55. Torment

56. Tyranny

57. Attempted murder

58. Trespass

59. Slander

60. Assault

61. Barbarism

62. Violation of Fourth Amendment rights

63. Violation of Fifth Amendment rights

64. Violation of Fourteenth Amendment rights

65. Violation of 42 U.S.C. 1983

66. Injunction and damages sought

Plaintiff has included in this Complaint a demand for a jury trial of this case.

The full text of the Complaint is found in the Appendix pp. 14a - 124a.

Petitioner Frank Pravda alleges in his Complaint that on or about April 22, 1988, the Respondents formed a conspiracy, the purpose of which was, and continues to be, to coerce Frank Pravda into foregoing his civil rights and human rights to obtain

plaintiff's family land for their use in full violation of due process of law, and to punish plaintiff for his refusal to submit to the objectives of the conspiracy, and to drive him from his home and community ; and to defeat him in this action by hampering and obstructing plaintiff's travels, and relentlessly tormenting him; which has deprived him of his constitutional rights and injured him in his person and property. The Complaint alleges a pervasive , extensive, multi-stage, continuing complex, multidimensional conspiracy naming as defendants the Federal Government, a State Government, a County Government, a City Government, a President of the Federal Government, a Sheriff, a private attorney, a Special Police officer, a State Game Warden, a City Police Chief, a number of City Police officers (true names unknown), a Sheriff's Deputy, and two persons of indeterminate status. Petitioner alleges

that as part of the conspiracy, on April 22, 1988, a female person approached him as he was standing on Pravda land and attempted to strike him with a lamp, and a few weeks later to eliminate him by running him at him with a car. Soon thereafter, Frank Pravda went to the City of Saratoga, New York Police office and related to an officer his experience and wish to file a complaint. The officer said he would go to visit the attacker, and refused to institute Frank Pravda's complaint. Then on Sunday July 17, 1988, Frank Pravda was standing with his brother on Pravda property when conspirator husband of the female person threatened to call police of they did not leave, and before long Two City of Saratoga Springs, New York Police came and met at length the co-conspirators just mentioned; and then left the property and soon returned and arrested Frank Pravda claiming they had a warrant for his arrest, but would not show it to him when he asked

to see it. The conspirator police officers thereafter placed pain inflicting handcuffs on Frank Pravda's writs and then transported him in a police vehicle to co-conspirator City of Saratoga Springs, New York's Torture Chamber located in its City Hall; where he was subjected to numerous acts of torture including stripping him naked and leaving him thus in the filthy, unsanitary, locked Chamber after inflicting bodily injury to him; and then after many hours left thus without drinking water or cover of any kind the mob of co-conspirators resumed violences against his body including kicking him, twisting his limbs, bashing his head into concrete, and more. The co-conspirators made the statement that the "new generation" was taking over as they engaged in the torture of Frank Pravda. Thereafter, on or about July 18, 1988, two co-conspirator Police violently raced Frank Pravda into a police vehicle and drove away with him from the defendant City.

Frank Pravda was again painfully handcuffed and during the trip police threatened him with drowning and more. Then he was viciously, brutally delivered into the hands of conspirators County of Saratoga, New York and Saratoga County Sheriff and others, and he was violently put into the conspirator County of Saratoga, New York Torture Chamber. Thereafter on May 17, 1989 the female conspirator mentioned earlier pointed a rifle at Frank Pravda forcing him to leave the place where he was on Pravda property; and he then telephoned 911, the widely advertised police emergency number, for assistance and was told that the subject Pravda property was outside of the jurisdiction of said police. Some time thereafter Police forces of conspirator City of Saratoga Springs, New York arrived and told Frank Pravda's brother that no crime had taken place in the action of the female conspirator in driving Frank Pravda at gunpoint from Pravda property.

Again on September 26, 1989 she pointed a gun at Frank Pravda as he was on said Pravda land forcing him to leave. Various flying armed forces of conspirator United States of America have repeatedly invaded Pravda airspace just above the treetops to torment Frank Pravda and continue the torture. Armed forces of the co-conspirator governments have repeatedly stalked, tormented, recklessly endangered, Frank Pravda during the course of the continuing conspiracy; payrolled and financed by the defendant governments injuring and continuing to cause injury to Frank Pravda. All this was happening while defendants governments officialdom were and continue making proclaimations against such wrongdoing as a governmental policy. Citizen plaintiff Frank Pravda has been repeatedly injured by conspirator governments and others, and has made claim for compensation for his injuries from said governments; without avail. The conspirator governments as well as certain

other conspirators have a history of participating in conspiracies against Frank Pravda. To make the conspiracy against Frank Pravda effective, as in former and coexistent conspiracies against him, and workable it needed conspirator governments to uphold it. The foregoing acts are some of the many wrongdoings evidence the continuing conspiracy against Frank Pravda which have caused him pain and suffering and continue to do so, and have placed him in such a state of despair that he was and remains constantly in fear for his life and well-being and safety and has caused him to forego many of his rights and continually prevents him from attending to his necessary affairs.

## 2. Proceedings Below

### A. The District Court

Plaintiff filed suit on April 5, 1991. A total of sixty-six causes of action were made as more fully described heretofore. The full text of the Complaint is in the Appendix pp. 14a - 124a. The basis for the district court's jurisdiction in the case is pursuant to 28 U.S.C. Sections 1331 (a), 1343 and 42 U.S.C. Sections 1983, 1985 (2)(3). See. Appendix pp. 198a - 204a for text.

Named as defendants in the complaint are: United States of America; State of New York; County of Saratoga, N.Y.; City of Saratoga Springs, N.Y.; George Herbert Walker Bush (President of the United States); James Bowen (Sheriff of Saratoga County); John M. Hogan, (Attorney at law); Ernest Grant (State of New York Special Police Officer); Timothy Grant; Janice Grant; Joe Doe (real name unknown - Saratoga Springs Police officer); Max Doe ( real name is Kenneth E. King Jr.- Saratoga

Springs Police Chief); John Doe (real name unknown- Saratoga Springs Police officer); Jack Doe ( real name unknown- Saratoga Springs Police officer); James Doe (real name is Hilary La Blanc - New York State Conservation Police officer); Ronald Doe (real name unknown - Saratoga County Sheriff's Deputy); Robert Doe (real name unknown - Saratoga Springs Police officer); Phil Doe (real name unknown - Saratoga Springs Police officer).

All the defendants named; except Joe Doe, John Doe, Jack Doe, Ronald Doe, Robert Doe, Phil Doe; have been served with summons and complaint. Plaintiff sent initial set of interrogatories to defendants County of Saratoga, N.Y.; James Bowen; to determine the real name of defendant Ronald Doe. Plaintiff has not received an answer to these interrogatories. Plaintiff also sent initial set of interrogatories to defendant City of Saratoga Springs, N.Y.; Kenneth E. King, Jr. (sued as

Max Doe) ; to determine the real names of defendants Joe Doe, John Doe, Jack Doe, Robert Doe and Phil Doe. Plaintiff has not received an answer to these interrogatories.

Alleged answers were received from defendants United States of America; County of Saratoga, N.Y.; City of Saratoga Springs, N.Y.; George Herbert Walker Bush ; James Bowen; Ernest Grant; to plaintiff's Complaint.

Various motions were filed by defendants seeking dismissal of the complaint as to each of them individually. Plaintiff could only find time to respond to the first of these he received; that of defendant John M. Hogan, Jr.; because of his impaired health, the time requirement on Service of Summons & Complaints and trying to locate hiding defendants; as well as trying to gather information to file his own motions.

The District Court, without hearing,

apparently on its own volution issued an order and decision apparently dismissing the entire litigation with prejudice.

Defendant John M. Hogan, Jr.'s motion papers are set forth in the Appendix pp. 125a-138a, and plaintiff's responding papers are set forth in the Appendix pp. 139a - 186a. These were included in the Appendix because they formed a basis for the order and decision of Judge Thomas J. McAvoy's dismissal of the Complaint, See. Appendix p. 5a; and because they also formed a basis for the order and decision of Circuit Judges Jon O. Newman, Amalya L. Kearse and District Judge Miriam Goldman Cedarbaum upholding the decision of Judge Thomas J. McAvoy, See. Appendix p. 1a.

B. The Court of Appeals

An appeal was taken from the district court's decision on the Complaint pursuant to 28 U.S.C. Section 1291, that was adverse to the Petitioner. The Court of Appeals affirmed the order of the District Court apparently dismissing the complaint.

## REASONS FOR GRANTING THE WRIT

### I. The United States Court of Appeals for the Second Circuit has Rendered a Decision in this Case that is in Direct Conflict with Current Practices in the United States District Court for the Northern District of New York

Judge Thomas J. McAvoy, whose order dismissing plaintiff's complaint indicated it should be a so called "State Court" case, has recently governed a case and allowed it to go to trial and jury finding of facts; where the principle allegations against

those defendants were of Police Brutality. See. John C. Rodick v. City of Schenectady, et al, NDNY, Civil Action No. 90-CV-937 TJM That case went to trial on March 16, 1992 in Binghamton, New York with District Judge Thomas J. McAvoy sitting as governor of the trial.

Petitioner is the victim injured by heinous acts of Torture that go beyond the bounds of Police Brutality and deserves to have his case remain in Federal Court where it properly belongs; rather than in "State Court" wherever and whatever that may be, as Judge Thomas J. McAvoy has so determined in recognizing that the case has some indeterminate merits.

II. The Courts Below Ignored Plaintiff's Condition of Impaired Health and Circumstances

Petitioner-plaintiff is in a state of impaired health from the injuries he has

received from the defendants in the conspiracy. See. Complaint, generally pp. 14a - 124a; Plaintiff's affidavit in opposition to Defendant John M. Hogan, Jr's Motion to Dismiss, App. pp. 139a - 157a.

The Courts below had knowledge of this through Petitioner's affidavit above referenced, and made their rulings in the obvious disregard of this knowledge certain consequence of their ruling which would impose extreme hardship on plaintiff by making a complicated case even more complicated.

This is a matter of first impression as far as plaintiff has been able to determine and ought properly to be adjudicated in this Court.

III. This Court has an Obligation to Insure that the System of Justice is Available Equally - Even to a Brain Damaged Plaintiff Like Frank Pravda

Plaintiff Frank Pravda has been brain damaged by the wrongdoings of defendants-respondents as described in his Complaint. See. Complaint, generally pp. 14a - 124a.

Access to the System of Justice is a right retained by the People. Our Revolution against British rule was fought to secure that right, which is fundamental to our System of Justice. In its dismissal of plaintiff's complaint the Courts below have ignored the Victims of Crime Bill of Rights, which states in pertinent part:"(9) A victim of crime should never be forced to endure again the emotional and physical consequences of the original crime. " See. Congressional Record - Senate November 2, 1990 (S18311). The decisions below serve to encourage the continuation of the conspiracy and wrongdoings against Petitioner by the Respondents. See. Opinion and Decision of the United States Court of Appeals for the Second Circuit, February 3, 1992, App. 1a-4a

Order of the United States District Court for the Northern District of New York, August 14, 1991, Appendix pp 5a - 7a.

IV. Petitioner's Complaint lists Five Separate Causes of Action for a Conspiracy while the District Court refers to One - Placing the Meaning of the Order of Dismissal in Doubt

Time and Space do not permit a fair description of the complex conspiracies that are alleged in the Complaint herein. Conspiratorial agreements by their very nature are clandestine and thus incapable under most circumstances of direct evidence. See. United States v. Raymond, 793 F. 2d 928, 932 (8th Cir. 1986) ; See. Complaint, FIRST CAUSE OF ACTION, App. 15a, NINTH CAUSE OF ACTION, App. 31a, TWENTY-SIXTH CAUSE OF ACTION, App. 51a, THIRTY-SEVENTH CAUSE OF ACTION, App. 59a, FORTY-EIGHTH CAUSE OF

ACTION, App. 67a; Plaintiff's Answering Memorandum of law in opposition to Defendant John M. Hogan, Jr.'s Motion to Dismiss, App. 158a; Plaintiff's affidavit in Opposition to Defendant John M. Hogan, Jr.'s Motion to Dismiss, App. 139a

V. Torture is a Cause of Action Under the Supreme Law of the Land in Federal Court

Torture of the plaintiff by government based defendants and others at the behest of defendant governments and others is such a blatant violation of the Constitution that they cannot seek any kind of immunity for such activity based on the Constitution or any other law. Government does not have any right to destroy a citizen with impunity; this is tacit universal law. See. Torture in the Eighties, Amnesty International, London, United Kingdom; Scheuer v. Rhodes, 416 US 232, 40 L Ed 2d 90, 94 S Ct 1683

(1974); Congressional Record-Senate, November 2, 1990 (S18278)

VI. The Order of the District Court Dismissing the Complaint was not a Dismissal with Prejudice per se

The Court in the first instance rendered its decision on motions to dismiss the Complaint as to select defendants and as such is de facto not a "dismissal with prejudice". See. Barker V. Traders Bank, 166 S.E. 2d 331, 334, 152 W. Va. 774

VII. The Complaint is sufficient to avoid Dismissal by the Court.

Although the defendants scrambled the record of this case with their submissions it is clear that some responsive pleadings were made to the Complaint. "If the complaint states a claim in term clear enough to enable the defendant to file a responsive pleading, that is sufficient". See.

Paul M. Harrod Co. v. A.B. Dick Co., 204 F. Supp. 580 (1962), 584; Lawton v. Medevac Mid-America, Inc., 138 F.R.D. 586, 588 (1991) Zinermon v. Burch, 108 L Ed 2d 100, 113 (1990) Dennis v. Higgins, 112 L Ed 2d 969

## CONCLUSION

The petition for certiorari should therefore be granted. Indeed, so clear is the error of the Court of Appeals, I believe for the reasons stated, this Court should summarily reverse the decision of the Court below. That decision expresses a doctrine and theory of decision which is repugnant to this Court's standards of Justice and which is unconstitutional on its face.

Respectfully submitted,

Frank Pravda

Frank Pravda, Petitioner
P.O. Box 313
Round Lake, New York 12151-0313

# APPENDIX

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

Filed: February 3, 1992

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NO. 91-6228

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the Third day of February, one thousand nine hundred and ninety-two.

PRESENT: HONORABLE JON O. NEWMAN,

HONORABLE AMALYA L, KEARSE,

Circuit Judges.

HONORABLE MIRIAM GOLDMAN CEDARBAUM,

District Judge.*

* Of the District Court for the Southern District of New York, sitting by designation.

- - - - - - - - - - - - - - - -

FRANK PRAVDA,

Plaintiff-Appellant,

v. 91-6228

UNITED STATES OF AMERICA; STATE OF NEW YORK; COUNTY OF SARATOGA, N.Y.; CITY OF SARATOGA SPRINGS, N.Y.; GEORGE HERBERT WALKER BUSH; JAMES D. BOWEN; JOHN M. HOGAN, JR.; ERNEST GRANT; TIMOTHY C. GRANT; JANICE GRANT; JOHN DOE; MAX DOE; JACK DOE; JAMES DOE; RONALD DOE; ROBERT DOE, and PHIL DOE,

Defendants-Appellees.

- - - - - - - - - - - - - - - -

ORDER

Appeal from the United States District Court for the Northern District of New York ( Thomas J. McAvoy, Judge).

This cause came on to be heard on the transcript of record from the United States District Court for the Northern

District of New York and was taken on submission.

ON CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the order of the District Court be and it hereby is AFFIRMED.

Frank Pravda appeals pro se from the dismissal of his 75-page complaint. The federal claims were dismissed with prejudice and the state claims were dismissed without prejudice to proceedings in state court. The complaint fails to provide an intelligible basis for understanding whatever claims plaintiff might have. When plaintiff filed equally vague papers in opposition to a motion to dismiss by one of the defendants, it became apparent that any further opportunity to amend the complaint would be pointless. Dismissal was the proper remedy.

N.B. THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND SHOULD NOT BE CITED OR OTHERWISE RELIED UPON IN UNRELATED CASES BEFORE THIS OR ANY OTHER COURT.

/s/ Jon O. Newman

/s/ Amalya L. Kearse
Circuit Judges

/s/ Miriam Goldman Cedarbaum
District Judge

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

Filed: August 14, 1991

NO. 91-CV-378

FRANK PRAVDA,

Plaintiff,

-against-

UNITED STATES OF AMERICA,
STATE OF NEW YORK,
COUNTY OF SARATOGA, NEW YORK,
CITY OF SARATOGA SPRINGS, NEW YORK,
GEORGE HERBERT WALKER BUSH,
JAMES BOWEN, JOHN M. HOGAN, JR.,
ERNEST GRANT, TIMOTHY GRANT,
JANICE GRANT, JOE DOE, MAX DOE,
JOHN DOE, JACK DOE, JAMES DOE,
RONALD DOE, ROBERT DOE, and PHIL DOE,

Defendants.

ORDER

Frank Pravda, a New York citizen residing in Saratoga County, has filed a 64-page complaint purporting to assert, over the course of 178 paragraphs, federal law claims pursuant to 42 U.S.C. §§ 1983 and 1985(2) and (3) grounded upon some vaguely and cursorily alleged "conspiracy" to deprive plaintiff of rights secured by the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments in addition to State law claims sounding in tort. Plaintiff's land appears to be the focus of the "conspiracy" and this lawsuit, though plaintiff makes reference to the recent events in the Middle East involving the United States and Iraq.

Eight defendants have moved to dismiss the action: State of New York, New York Environmental Conservation Officer Hilary Leblanc (identified as "James Doe"), County of Saratoga, James Bowen, John M. Hogan, Jr.,

Ernest Grant, Timothy Grant and Janice Grant. Plaintiff has responded only to the motion of John M. Hogan, Jr.

The federal law claims are dismissed with prejudice as against all named defendants. Sovereign immunity and failure to state a cognizable claim are two bars to this patently frivolous litigation. The State law claims, however, are dismissed without prejudice to plaintiff invoking the jurisdiction of State court.

Dated at Binghamton, New York
August 14, 1991

/s/ Thomas J. McAvoy

Thomas J. McAvoy, U.S.D.J.

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

Filed: February 3, 1992

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NO. 91-6228

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the Third day of February, one thousand nine hundred and ninety-two.

PRESENT: HONORABLE JON O. NEWMAN,

HONORABLE AMALYA L. KEARSE,

Circuit Judges.

HONORABLE MIRIAM GOLDMAN CEDARBAUM,

District Judge.*

* Of the District Court for the Southern District of New York, sitting by designation.

ISSUED AS MANDATE. 2-25-92

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FRANK PRAVDA,

Plaintiff-Appellant,

v. 91-6228

UNITED STATES OF AMERICA; STATE OF NEW YORK; COUNTY OF SARATOGA, N.Y.; CITY OF SARATOGA SPRINGS, N.Y.; GEORGE HERBERT WALKER BUSH; JAMES D. BOWEN; JOHN M. HOGAN, JR. ; ERNEST GRANT; TIMOTHY C. GRANT; JANICE GRANT; JOHN DOE; MAX DOE; JACK DOE; JAMES DOE; RONALD DOE; ROBERT DOE; and PHIL DOE,

Defendants-Appellees.

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ORDER

Appeal from the United States District Court for the Northern District of New York (Thomas J. McAvoy, Judge).

This cause came on to be heard on the transcript of record from the United States District Court for the Northern

District of New York and was taken on submission.

ON CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the order of the District Court be and it hereby is AFFIRMED.

Frank Pravda appeals pro se from the dismissal of his 75-page complaint. The federal claims were dismissed with prejudice and the state claims were dismissed without prejudice to proceedings in state court. The complaint fails to provide an intelligible basis for understanding whatever claims plaintiff might have. When plaintiff filed equally vague papers in opposition to a motion to dismiss by one of the defendants, it became apparent that any further opportunity to amend the complaint would be pointless. Dismissal was the proper remedy.

N.B. THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND SHOULD NOT BE CITED OR OTHERWISE RELIED UPON IN UNRELATED CASES BEFORE THIS OR ANY OTHER COURT.

/s/ Jon O. Newman

/s/ Amalya L. Kearse
Circuit Judges

/s/ Miriam Goldman Cedarbaum
District Judge

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

Filed: August 16, 1991

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CASE NUMBER: 91-CV-378 (TJM)

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FRANK PRAVDA

V.

UNITED STATES OF AMERICA; STATE OF NEW YORK;
COUNTY OF SARATOGA, NEW YORK;
CITY OF SARATOGA SPRINGS, NEW YORK;
GEORGE HERBERT WALKER BUSH; JAMES BOWEN;
JOHN M. HOGAN, JR.; ERNEST GRANT;
TIMOTHY GRANT; JANICE GRANT; JOE DOE, ET AL

__ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

xx Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has

been rendered.

IT IS ORDERED AND ADJUDGED ; that the federal law claims are dismissed with prejudice as against all named defendants. Sovereign immunity and failure to state a cognizable claim are two bars to this patently frivolous litigation. The State law claims, however, are dismissed without prejudice to plaintiff invoking the jurisdiction of State court;
as in accordance with Judge McAvoy's Order dated August 14, 1991.

August 16, 1991 — Date

/s/ George A Roy — Clerk

/s/ P.T. Ashman — (By) Deputy Clerk

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

Filed: April 5, 1991

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Case Number 91 - CV - 0378

TJM

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FRANK PRAVDA,

Plaintiff,

-against-

UNITED STATES OF AMERICA,
STATE OF NEW YORK,
COUNTY OF SARATOGA, N.Y.,
CITY OF SARATOGA SPRINGS, N.Y.,
GEORGE HERBERT WALKER BUSH,
JAMES BOWEN, JOHN M. HOGAN JR.,
ERNEST GRANT, TIMOTHY GRANT,
JANICE GRANT, JOE DOE, MAX DOE,
JOHN DOE, JACK DOE, JAMES DOE,
RONALD DOE, ROBERT DOE, PHIL DOE,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

AS AND FOR A FIRST CAUSE OF ACTION PLAINTIFF ALLEGES:

1. This court has jurisdiction over this action pursuant to 28 U.S.C. Section 1343 and 42 U.S.C. Sections 1983, 1985 (2) (3) and 28 U.S.C. Section 1331 (a).

2. Plaintiff, Frank Pravda, is a citizen of the State of New York. Each defendant other than named governments and defendant GEORGE HERBERT WALKER BUSH is, on information and belief, a citizen of the State of New York. The matter in controversy exceeds $10,000.00 ; exclusive of interest and costs.

3. Venue is proper in this jurisdiction pursuant to 28 U.S.C. Section 1391 (b). All of the wrongful acts and deprivations of rights for which plaintiff seeks relief occurred within the Northern District of New York, and have caused personal injury within the Northern District of New York. Defendant GEORGE HERBERT WALKER BUSH is, on information

and belief, a citizen of the State of Texas.

4. Jurisdiction founded on the United States of America being a defendant and the existence of a federal question and amount in controversy. The action arises under the United States Constitution, particularly under the provisions of the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments of the Constitution of the United States, and under federal law, particularly the Civil Rights Act, Title 42 of the United States Code, Sections 1983, 1985 (2) (3), as hereinafter more fully appears.

5. On or about April 22, 1988, the defendants herein formed a conspiracy with regard to which each and every defendant was or became a co-conspirator. The purpose of the conspiracy was to and continues to be to deprive plaintiff of the equal protection of the law and of the privileges and immunities granted to him under the laws and the Constitution of the United States of

America and the State of New York. The conspiracy was and continues to be the result of a) defendants' desire to obtain plaintiff's family land for defendants' benefit in full violation of due process of law; b) defendants' class based animus toward plaintiff as a citizen of an earlier generation; c) defendants' quest for personal and political power; d) the defendants' desire to punish plaintiff for his refusal to submit to the objectives of the conspiracy. Defendants' purpose is willfully, wrongfully and maliciously to a) secure Pravda land and property by unlawful means, b) to coerce plaintiff through torture, force, terrorism, threats of force, false charges, slander, torture, verbal abuse, intimidation, libel, harassment, tyrannical barbaric behavior into foregoing his civil rights. Defendants' ultimately attempted to murder plaintiff by various means including, but not limited to, bashing

his head into concrete, attempting to run him down with a car, tormenting him wherever he was to be found, stripping him naked and leaving him in this state for days causing hypothermia, depriving him of drinking water causing dehydration, threatening to take his life.

6. On a number of occasions prior to Aoril 22, 1988 defendant governments and their agents and operatives have engaged in the support of conspiracies to obtain property by unlawful means. Reference is made to Civil Action No. 82-CV-635 in which a conspiracy was operative against plaintiff involving among others defendant governments County of Saratoga, N.Y. and State of New York.

7. On a number of occasions prior to April 22, 1988, defendants, ERNEST GRANT, TIMOTHY GRANT, JANICE GRANT, and other unnamed do-conspirators undertook a campaign of intimidation and harassment of plaintiff,

including placing broken glass and trash in the grass by the house where plaintiff lived, starting smoky fires near the house where plaintiff lived, blocking the driveway to said house. Defendants, Ernest Grant, Timothy Grant, Janice Grant, thereafter entered into this pervasive conspiracy to accomplish the goals set forth in paragraph 5. The conspiracy sought and seeks to effect for certain conspirators the ultimate objective of their perpetual use of plaintiff's family property in violation of plaintiff's property rights and via the denial of plaintiff's civil rights.

8. On April 22, 1988 plaintiff was standing on Pravda land when approached by defendant JANICE GRANT who made obscene statements to plaintiff and immediately thereafter attempted to strike him with a lamp and forcing plaintiff to leave the place where he was standing. Defendant JANICE GRANT continued on this program some

weeks later as plaintiff stood on Pravda land; by attempting to run him down with a car. Meanwhile defendant TIMOTHY GRANT undertook a campaign of threatening plaintiff and on one occasion stating to plaintiff that he would be a dead man and on another occasion pointing a gun at plaintiff. Plaintiff then visited the defendant SARATOGA SPRINGS, NEW YORK police station and reported these attacks and the officer, defendant JOE DOE, WHOSE REAL NAME IS UNKNOWN, who was wearing the official uniform, insignia and badge of the defendant CITY OF SARATOGA SPRINGS, NEW YORK. After hearing plaintiff relate his experiences, defendant JOE DOE embarked on a campaign of obstructing the filing of a complaint, and acting in confederacy with the other co-conspirators, undertook a campaign to coerce the plaintiff to forego his constitutional rights and became one of a band of defendant SARATOGA SPRINGS, NEW YORK Police officers

who tortured and attempted to murder the plaintiff at the defendant SARATOGA SPRINGS, NEW YORK Torture Chamber located in its City Hall. Defendant JOE DOE refused to institute plaintiff's complaint and stated he would visit defendant JANICE GRANT, and subsequently made statements that he had indeed visited and spoken with defendant JANICE GRANT while never contacting plaintiff to institute his complaint with defendant CITY OF SARATOGA SPRINGS, NEW YORK Police forces.

9. Each and all of the acts of defendant police officers herein alleged were done by these defendants, and each of them, not as individuals, but under color and pretense of the statutes, ordinances, regulations, customs, and usages of the defendant STATE OF NEW YORK, defendant COUNTY OF SARATOGA, NEW YORK, and defendant CITY OF SARATOGA SPRINGS, NEW YORK and under the authority of their office as police for such state, county, and city.

10. Defendant, ERNEST GRANT, wearing the official uniform, insignia and gold colored badge of the defendant STATE OF NEW YORK entered upon the property of Pravda for the purpose of furthuring the objectives of the subject conspiracy as set forth herein, and thereon frequently met with co-defendants TIMOTHY GRANT, JANICE GRANT and other unnamed co-conspirators.

11. At all times pertinent to this complaint, defendant JOE DOE, WHOSE REAL NAME IS UNKNOWN, was a police officer of the defendant CITY OF SARATOGA SPRINGS, State of New York, defendant MAX DOE, WHOSE REAL NAME IS UNKNOWN, was a police officer of that defendant City who was in full charge of that defendant City's police forces; defendants JOHN DOE, WHOSE REAL NAME IS UNKNOWN, JACK DOE, WHOSE REAL NAME IS UNKNOWN, ROBERT DOE, WHOSE REAL NAME IS UNKNOWN, PHIL DOE, WHOSE REAL NAME IS UNKNOWN, were police officers of defendant

CITY OF SARATOGA SPRINGS, NEW YORK, defendant RONALD DOE, WHOSE REAL NAME IS UNKNOWN, was a sheriff's deputy of the defendant COUNTY OF SARATOGA, State of New York; defendant JAMES DOE, WHOSE REAL NAME IS UNKNOWN, was a police officer of defendant STATE OF NEW YORK: defendant JAMES BOWEN was Sheriff of defendant COUNTY OF SARATOGA, NEW YORK; defendant JOHN M. HOGAN, JR. was attorney for defendant ERNEST GRANT & other unnamed co-conspirators; defendant ERNEST GRANT was a special police officer of defendant STATE OF NEW YORK; defendants TIMOTHY GRANT and JANICE GRANT were of indeterminate status. Other co-conspirators who stalked plaintiff with stealth and persistence to interfere with the course of justice in this litigation and along with certain of the named defendant governments and their agent, operative defendants previous to the April 22, 1988 date engaged in a similarly structured conspiracy against plaintiff to achieve similar objectives, and

thus they became willing and enthusiastic participants in the subject conspiracy against plaintiff.

12. Defendant governments and government based defendants have previously weaseled out of being brought to task and made to pay for their wrongdoings and injuries to plaintiff by batteries of slick lawyers and "leaning" judges and coverup tactics that were integrated into the framework of the conspiracy coupled with the continuing tyrannical oppression of plaintiff by barbaric police forces conspirators and co-conspirators; all done in support of the nongovernment based defendants to obstruct, impede, and hamper plaintiff from prosecuting and instituting this litigation. The defendant governments played a major role in the formation and operation of the subject conspiracy by its neglegence in controlling and supervising its institutions that participated in the actions furthuring the

objectives of the conspiracy directed at plaintiff. The governments were repeatedly informed that police forces as their agents and operatives had repeatedly, in Mafia fashion, brained plaintiff and have had it on the brain to get plaintiff any way they could in support of the subject conspiracy and in collateral support and continuance of the conspiracy referred to in paragraph 6. The persecution by the authorities in government of plaintiff has gone on for years. Plaintiff has repeatedly informed the central government to no avail. Certain of the named governments and their officials, agents, servants, employees, operatives previous to April 22, 1988 engaged in a similarly structured conspiracy to achieve similar objectives, and thus they became willing and enthusiastic participants in the conspiracy that is the subject of this complaint.

13. Defendant JOHN M. HOGAN JR., at all times pertinent to this complaint, was an

attorney advising the defendant ERNEST GRANT and other unnamed co-conspirators, and was instrumental in the furtherance of the conspiracy by advising them that they had the right to do as they pleased on the property of Pravda; such advise being contrary to law. Defendant JOHN M. HOGAN JR. wrongfully informed defendant ERNEST GRANT that he had legal rights to the property of Pravda which advise inflamed the passions of defendants GRANTS who then injured plaintiff to furthur the objectives of the conspiracy.

14. This confederacy between said named defendants was formed for the purpose of achieving by their joint efforts the unlawful objectives as outlined in paragraph 5 supra. By reason and in consequence of this conspiracy, defendants did violate plaintiff's Fourth Amendment rights to be secure in his person, house, papers and effects against unreasonable searches and seizures; did violate plaintiff's Fifth and

Fourteenth Amendment rights not to be deprived of life, liberty or property without due process of law; did violate plaintiff's Fourteenth Amendment rights to have equal protection of the laws; did violate plaintiff's civil rights in violation of 42 United States Code Section 1983 and Section 1985 (2) (3). Further, defendants did commit assault and battery upon the plaintiff's person by said unlawful touching of the plaintiff's person and by intentionally and unlawfully threatening the plaintiff under such circumstances as to create a well founded fear of imminent peril coupled with the apparent present ability of the defendants to execute their attempt against the plaintiff's person. These acts of defendants among others included a) unlawfully attempting to kill plaintiff; b) unlawfully attempting to injure plaintiff; c) unlawfully obstructing plaintiff's effort to file a criminal complaint.

15. Defendants wantonly, wrongfully, willfully, and maliciously and without right or a pretense of legal process, repeatedly attempted to kill plaintiff; repeatedly attempted and did injure plaintiff's person; falsely seized, imprisoned, tortured, and confined the plaintiff and deprived him of his liberty. As a result plaintiff was injured, and was prevented from transacting his business, suffering great pain of mind and body.

16. Plaintiff has sustained damages as a result of said conspiracy in violation of 42 United States Code Section 1985 (2) (3) in the amount of $2,000,000.00 .

AS AND FOR A SECOND CAUSE OF ACTION, PLAINTIFF ALLEGES:

17. Repeats and realleges each and every allegation contained in paragraphs "1" through "15" of this complaint with the same force and effect as if fully set forth herein.

18. Plaintiff has sustained damages as a

result of said violation of his Fourth Amendment rights in the amount of $1,000,000.

AS AND FOR A THIRD CAUSE OF ACTION, PLAINTIFF ALLEGES:

19. Repeats and realleges each and every allegation contained in paragraphs "1" through "15" of this complaint with the same force and effect as if fully set forth herein.

20. Plaintiff has sustained damages as a result of said violation of his Fifth Amendment rights in the amount of $1,000,000.00 .

AS AND FOR A FOURTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

21. Repeats and realleges each and every allegation contained in paragraphs "1" through "15" of this complaint with the same force and effect as if fully set forth herein.

22. Plaintiff has sustained damages as a result of said violation of his Fourteenth Amendment rights in the amount of $1,000,000.00 .

AS AND FOR A FIFTH CAUSE OF ACTION: PLAINTIFF ALLEGES:

23. Repeats and realleges each and every allegation contained in paragraphs "1" through "15" of this complaint with the same force and effect as if fully set forth herein.

24. Plaintiff has sustained damages as a result of said violation of 42 U.S.C. Section 1983 in the amount of $1,000,000.00 .

AS AND FOR A SIXTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

25. Repeats and realleges each and every allegation contained in paragraphs "1" through "15" of this complaint with the same force and effect as if fully set forth herein.

26. Plaintiff has sustained damages as a result of said assault and battery in the amount of $2,000,000.00 .

AS AND FOR A SEVENTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

27. Repeats and realleges each and every allegation contained in paragraphs "1"

through "15" of this complaint with the same force and effect as if fully set forth herein.

28. Plaintiff has sustained damages as a result of said false imprisonment in the amount of $2,000,000,00 .

AS AND FOR AN EIGHTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

29. Repeats and realleges each and every allegation contained in paragraphs "1" through "15" of this complaint with the same force and effect as if fully set forth herein.

30. Plaintiff has sustained damages as a result of said intentional infliction of emotional distress in the amount of $1,000,000.00 .

AS AND FOR A NINTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

31. Repeats and realleges each and every allegation contained in paragraphs '1" through "4" of this complaint with the same force and effect as if fully set forth herein.

32. After the episode referred to in

paragraph "5" through "15", supra, plaintiff, on Sunday July 17, 1988, was standing with his brother on said Pravda land when defendant TIMOTHY GRANT threatened to call police if plaintiff and his brother stayed on the property. Later an automotive police patrol vehicle owned and maintained by the defendant CITY OF SARATOGA SPRINGS, NEW YORK for the use and benefit of its police department arrived on the aforementioned Pravda land. Defendant JACK DOE and another co-conspirator, while wearing the official uniform, insignia and badge of the defendant CITY OF SARATOGA SPRINGS, NEW YORK; and acting under color of their authority as police officers of the defendant CITY OF SARATOGA SPRINGS, NEW YORK disembarked said patrol vehicle and met at length with conspirators, defendants TIMOTHY GRANT, JANICE GRANT; and thereafter came to where plaintiff was standing and asked him if he knew the law. Defendant police officer JACK DOE and the

other unnamed co-conspirator police officer then met with defendants TIMOTHY AND JANICE GRANT and thereafter said police officers entered said police patrol vehicle and drove away. Later said police patrol vehicle again came upon said Pravda land and said defendant police officers came to where plaintiff was standing and stated that they had a warrant for his arrest. Plaintiff asked to see the warrant and the said police of defendant CITY OF SARATOGA SPRINGS, NEW YORK , still acting under color of their authority as police officers of said defendant city, refused to show it to him; and thereupon immediately arrested plaintiff and pain inflicting handcuffs were then put on plaintiff's wrists, and plaintiff was then put into the rear seat of an automotive police patrol vehicle owned and maintained by the defendant CITY OF SARATOGA SPRINGS, NEW YORK for the use and benefit of its police department. Defendant police officers then entered said vehicle and

drove said police automobile of said Pravda land and away from the scene. Thereupon, defendant JACK DOE, still acting under color of his authority as a police officer of said defendant city, made a statement that indicated a information data bank had been seeded with false and malicious data relating to plaintiff, and that said data bank is owned and maintained by the defendant CITY OF SARATOGA SPRINGS, NEW YORK for the use and benefit of its police forces. Plaintiff was taken to defendant CITY OF SARATOGA SPRINGS, NEW YORK City Hall where plaintiff was tortured in defendant City of Saratoga Springs, New York City Torture Chamber. Said Torture Chamber is owned and maintained by defendant CITY OF SARATOGA SPRINGS, NEW YORK for the use and benefit of its police forces, and other named defendants.

33. The Torture of plaintiff; as a progression of wrongful acts, wantonly administered to plaintiff, including, but

not limited to barbaric terrorist threats, violent assaults, slander, over an extended period of time that are likely to culminate in the demise of the victim; began with the harassment and menacing of plaintiff and his brother, and continuing with plaintiff's false and unlawful arrest and charging of crimes, and continued with the assult via the use of handcuffs on plaintiff and the injury to his wrists, continuing with the stripping naked of the plaintiff and twisting his limbs, kicking him, throwing plaintiff around, denying and withholding drinking water from plaintiff for an extended period of time during his false imprisonment and Torture, denying plaintiff clothing for extended period of time, bashing plaintiff's head and body into concrete repeatedly, placing plaintiff naked into a filthy unsanitary locked room for extended period of time, denying and withholding from plaintiff medical attention to the injuries inflicted

by the torture activities directed at plaintiff by defendants which injuries became infected and threatened plaintiff's life, tearing plaintiff's clothes to shreds, continuing with the torture of plaintiff outside of the Torture Chamber of defendant CITY OF SARATOGA SPRINGS, NEW YORK , Threatening to drown handcuffed plaintiff, boasting by the defendant and co-conspirators torturers that the "new generation" was taking over, boasting by torturers of their success in the aforementioned previous strikingly similar Tortures and conspiracy against plaintiff involving numerous government based conspirators and co-conspirators and even including lawyers and judges; all done to kill the plaintiff and in the alternative to injure and traumatize and cause the demise of the plaintiff to furthur the objectives of the conspiracy.

34. On or about July 18, 1988 plaintiff was continuingly wantonly, viciously,

maliciously, brutally battered tortured in a progression of assaults and other crimes upon plaintiff by defendant police forces of the defendant CITY OF SARATOGA SPRINGS, NEW YORK police department and by defendant police forces of the defendant COUNTY OF SARATOGA, NEW YORK; constituting attempted murder and causing plaintiff near death trauma suffering extreme physical pain and mental anguish and humiliation, the full extent of which cannot be measured. Defendants JOE DOE, MAX DOE, JOHN DOE, JACK DOE, ROBERT DOE, PHIL DOE, and other co-conspirators of defendant CITY OF SARATOGA SPRINGS, NEW YORK police forces, while wearing the official uniform, insignia, and badge of the defendant CITY OF SARATOGA SPRINGS, NEW YORK engaged in the wanton, barbaric torture of plaintiff heretofore described, both inside and outside of the aforementioned Torture Chamber of said defendant city, said Torture done under color of law and the authority of defendant police

officers office as police for defendant CITY OF SARATOGA SPRINGS, NEW YORK. Defendants JOHN DOE, JOE DOE, still acting under color of their authority as police of said defendant city thereafter raced plaintiff violently to a car owned and maintained by defendant CITY OF SARATOGA SPRINGS, NEW YORK for the use and benefit of its police forces, and without any just cause or provocation undertook these violences and crimes against plaintiff. Defendant police JOHN DOE, JOE DOE then put plaintiff into the rear seat of said automotive police patrol vehicle. Defendant JOE DOE then entered the drivers seat, and defendant JOHN DOE entered beside him, of said police vehicle and drove said automobile away from said defendant CITY OF SARATOGA SPRINGS, NEW YORK City Hall Torture Chamber. Thereupon, defendant JOHN DOE stated that plaintiff was being taken to a place where his screams would not be heard and thereafter threatened plaintiff with death by drowning

and referred to the earlier tortures of plaintiff in former conspiracies cited in paragraph 6 when plaintiff was similarly tortured by police forces of defendant COUNTY OF SARATOGA, NEW YORK in the COUNTY TORTURE CHAMBER located in Ballston Spa, New York. These threats and statements were made wantonly, wrongfully, willfully and maliciously to continue the torture on the plaintiff and did cause the intentional infliction of emotional distress on him by causing him to be in constant fear of imminent death. These wanton, wrongful, willful, malicious acts directed at plaintiff have caused extended fears to persist in plaintiff to disable and hamper him from preparing and filing this complaint. expiditiously. Additionally, plaintiff has been hampered and disabled by the damage done to his brain by the physical violence to his head during the extended torture he received at the hands of defendants. The vicious

demented type behaviour of defendants clearly demonstrates to plaintiff the spiteful nature of their character and attitude towards him; all of which had a particularly terrorizing effect upon him. This spiteful, wanton, malicious torture of plaintiff was achieved by harnessing the spiteful malicious attitudes and temperament of defendants and others in government. This use of hitmen to achieve the objectives of the conspiracy is a characteristic of past conspiracies directed at plaintiff. Plaintiff was swiftly, thereafter, viciously, brutally delivered into the hands of defendant COUNTY OF SARATOGA, NEW YORK at the COUNTY OF SARATOGA, NEW YORK Torture Chamber; which Torture Chamber is owned and maintained by defendant COUNTY OF SARATOGA, NEW YORK for the use and benefit of its police forces and other named and unnamed defendants and co-conspirators, and police forces, and politicians. At said Torture Chamber Saratoga County Sheriff, defendant

JAMES BOWEN continued furthur the Torture of plaintiff; where plaintiff was thrown to the floor, deprived of his clothing, and therefrom plaintiff sustained injuries throughout his body, from this and the continuing of the torture activities by defendants JAMES BOWEN, RONALD DOE, and other co-conspirators and others therein. Defendant JAMES BOWEN, acting under color of his authority as Sheriff of defendant COUNTY OF SARATOGA, NEW YORK, supervised, participated in, and was in full charge of the Torture of the plaintiff at said Torture Chamber, and along with defendant RONALD DOE AND OTHERS within said SARATOGA COUNTY TORTURE CHAMBER did wantonly, intentionally, spitefully, maliciously engage in the Torture of plaintiff under color of their authority as police officers of the defendant COUNTY OF SARATOGA, NEW YORK to furthur the objectives of the subject conspiracy. Defendants boasted of being a defendant in an earlier suit involving

their engaging in similar Torture of plaintiff as part of a similar conspiracy formed earlier which all indications are still exists. The tortures administered to plaintiff at said SARATOGA COUNTY TORTURE CHAMBER among others were, throwing plaintiff bodily, yanking plaintiff's hair for an extended period of time, stripping plaintiff naked and leaving him naked for an extended period of time, neglecting to disinfect open wounds they inflicted upon plaintiff and neglecting to attend to plaintiff's other injuries resulting from defendants' violent tortures which were administered against the plaintiff,and more.

35. Defendants wrongfully, willfully, wantonly and maliciously and without right or a pretense of legal process and in furtherance of the conspiracy did cause the plaintiff to be unlawfully arrested and tortured and to suffer great shame and humiliation, pain and anguish of mind, and injury to

his liberty for several days without any right or authority to do so and against the will of the plaintiff whereby plaintiff was not only bruised and wounded and seriously injured, but was also subjected to great humiliation and ridicule by defendants outrageous behavior against him and was injured in his credit, and was prevented from attending to his necessary affairs; did violate plaintiff's Fourth Amendment right to be secure against unreasonable searches and seizures; did violate plaintiff's Fifth Amendment and Fourteenth Amendment rights to equal protection of the laws; did violate plaintiff's Sixth Amendment rights to a public trial by an impartial jury, to be informed of the nature and cause of the accusation, and to have the assistance of counsel for his defense; did violate plaintiff's Eighth Amendment right to be free from excessive bail and cruel and unusual punishment; did violate plaintiff's civil rights in

violation of 42 United States Code Section 1983; did commit assault and battery upon the plaintiff by unlawfully touching the plaintiff and intentionally and unlawfully threatening plaintiff under such circumstances as to create a well founded fear of imminent peril and imminent death coupled with the apparent present ability of defendants to execute their threats; did commit torture upon the plaintiff by extended violences, abuses, neglects upon the plaintiff, sadistic threats made to plaintiff for an extended period of time, wantonly endangering plaintiff's life by stripping him naked and leaving him thus exposed and vulnerable to hypothermia for an extended period of time, wantonly endangering plaintiff's life by severely injuring plaintiff's body and leaving helpless plaintiff without medical attention to open wounds for an extended period of time, and more, said torture constituting attempted murder of plaintiff by defendants.

36. Plaintiff has sustained damages as a result of the conspiracy in violation of 42 United States Code Section 1985 (2) (3) in the amount of $2,000,000.00 .

AS AND FOR A TENTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

37. Repeats and realleges each and every allegation contained in paragraphs "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

38. Plaintiff has sustained damages as a result of said torture in the amount of $50,000,000.00 .

AS AND FOR AN ELEVENTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

39. Repeats and realleges each and every allegation contained in paragraphs "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

40. Plaintiff has sustained damages as a result of said false arrest and imprisonment

in the amount of $2,000,000.

AS AND FOR A TWELFTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

41. Repeats and realleges each and every allegation contained in paragraphs "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

42. Plaintiff has sustained damages as a result of said violation of his Fourth Amendment rights in the amount of $1,000,000.

AS AND FOR THIRTEENTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

43. Repeats and realleges each and every allegation contained in paragraphs "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

44. Plaintiff has sustained damages as a result of said violation of his Fifth Amendment rights in the amount of $1,000,000.

AS AND FOR A FOURTEENTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

45. Repeats and realleges each and every

allegation contained in paragraphs "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

46. Plaintiff has sustained damages as a result of said violation of his Fourteenth Amendment rights in the amount of $1,000,000.00 .

AS AND FOR A FIFTEENTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

47. Repeats and realleges each and every allegation contained in paragraphs "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

48. Plaintiff has sistained damages as a result of said violation of his Sixth Amendment rights in the amount of $1,000,000.

AS AND FOR A SIXTEENTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

49. Repeats and realleges each and every allegation contained in paragraphs "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

50. Plaintiff has sustained damages as a result of said violation of his Eighth Amendment rights in the amount of $1,000,000.

AS AN FOR A SEVENTEENTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

51. Repeats and realleges each and every allegation contained in paragraphs "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

52. Plaintiff has sustained damages as a result of said violation of 42 U.S.C. Section 1983 in the amount of $1,000,000.

AS AND FOR AN EIGHTEENTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

53. Repeats and realleges each and every allegation contained in paragraphs "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

54. Plaintiff has sustained damages as a result of said malicious prosecution in the amount of $1,000,000.

AS AND FOR A NINETEENTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

55. Repeats and realleges each and every allegation contained in paragraph "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

56. Plaintiff has sustained damages as a result of said assault and battery in the amount of $5,000,000.

AS AND FOR A TWENTIETH CAUSE OF ACTION, PLAINTIFF ALLEGES:

57. Repeats and realleges each and every allegation contained in paragraphs "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

58. Plaintiff has sustained damages as a result of said intentional infliction of emotional distress in the amount of $1,000,000.

AS AND FOR A TWENTY-FIRST CAUSE OF ACTION, PLAINTIFF ALLEGES:

59. Repeats and realleges each and every

allegation contained in paragraphs "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

60. Plaintiff has sustained damages as a result of said attempted murder in the amount of $10,000,000.

AS AND FOR A TWENTY-SECOND CAUSE OF ACTION, PLAINTIFF ALLEGES:

61. Repeats and realleges each and every allegation contained in paragraphs "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

62. Plaintiff has sustained damages as a result of said defamation in the amount of $10,000,000.

AS AND FOR A TWENTY-THIRD CAUSE OF ACTION, PLAINTIFF ALLEGES:

63. Repeats and realleges each and every allegation contained in paragraphs "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

64. Plaintiff has sustained damages as a

result of said reckless endangerment in the amount of $10,000,000.

AS AND FOR A TWENTY-FOURTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

65. Repeats and realleges each and every allegation contained in paragraphs "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

66. Plaintiff has sustained damages as a result of said invasion of privacy in the amount of $1,000,000.

AS AND FOR A TWENTY-FIFTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

67. Repeats and realleges each and every allegation contained in paragraphs "31" through "35" of this complaint with the same force and effect as if fully set forth herein.

68. Plaintiff has sustained damages as a result of said terrorism in the amount of $10,000,000.

AS AND FOR A TWENTY-SIXTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

69. Repeats and realleges each and every allegation contained in paragraphs "1" through "4" of this complaint with the same force and effect as if fully set forth herein.

70. On May 17,1989 conspirator Janice Grant, in furthurance of the aforedescribed conspiracy pointed a rifle at plaintiff forcing him to leave the place where he was on said Pravda property. Plaintiff immediately went and telephoned 911, the widely advertised police emergency number, for assistance and was told that the subject Pravda property was outside of the jurisdiction of said police, and that assistance could not be sent. After some time police forces of defendant City of Saratoga Springs, New York arrived on Pravda property and told plaintiff's brother that no crime had taken place in the action of defendant Janice Grant in driving plaintiff at gunpoint from Pravda property. Said police forces thus granted defendants Grant gang license to threaten and

molest plaintiff and other Pravda family members at gunpoint at their will and pleasure; in furtherance of said conspiracy and in violation of their constitutional rights. This event on May 17, 1989 placed plaintiff in such a state of despair that he was and remains constantly in fear for his life and his wellbeing and safety and has caused plaintiff to forego many of his rights. Defendants wrongfully, willfully, and maliciously and without right or a pretense of legal process, did deprive plaintiff of enjoyment of life, did refuse to come to plaintiff's aid; did refuse to afford plaintiff the protection of the laws; and did refuse to institute an investigation of the attack against plaintiff's person. These acts were done in pursuance of said conspiracy and by reason and in consequence of this conspiracy defendants did violate plaintiff's Fifth and Fourteenth Amendment rights to due process of law; did violate

plaintiff's Fourteenth Amendment right to have equal protection of the laws; did violate plaintiff's civil rights in violation of 42 U.S.C. 1983; did cause the intentional infliction of emotional distress on the plaintiff; did recklessly endanger the life of the plaintiff; did invade the privacy of the plaintiff; did continue the terrorism directed against the plaintiff and his family; did continue the torture of the plaintiff; did by their actions herebefore described commit larceny, extortion, fraud, misrepresentation, deception against the plaintiff; and did continue the assault on the plaintiff by causing him to be in constant fear of imminent peril of his person. As a result, plaintiff was injured and continues injured, was prevented from and continues to be prevented from transacting his business and suffered and continues to suffer great pain of body and mind.

71. Plaintiff has sustained damages as a result of said conspiracy in violation of the Civil Rights Act, Title 42 of the United States Code, Section 1985 (2)(3) in the amount of $2,000,000.

AS AND FOR A TWENTY-SEVENTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

72. Repeats and realleges each and every allegation contained in paragraphs "69" through "70" of this complaint with the same force and effect as if fully set forth herein.

73. Plaintiff has sustained damages as a result of said assault in the amount of $1,000,000.

AS AND FOR A TWENTY-EIGHTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

74. Repeats and realleges each and every allegation contained in paragraphs "69" through "70" of this complaint with the same force and effect as if fully set forth herein.

75. Plaintiff has sustained damages as a result of said violation of plaintiff's Fifth

Amendment rights in the amount of $1,000,000.

AS AND FOR A TWENTY-NINTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

76. Repeats and realleges each and every allegation contained in paragraphs "69" through "70" of this complaint with the same force and effect as if fully set forth herein.

77. Plaintiff has sustained damages as a result of said violation of plaintiff's Fourteenth Amendment rights in the amount of $1,000,000.

AS AND FOR A THIRTIETH CAUSE OF ACTION, PLAINTIFF ALLEGES:

78. Repeats and realleges each and every allegation contained in paragraphs "69" through "70" of this complaint with the same force and effect as if fully set forth herein.

79. Plaintiff has sustained damages as a result of said violation of 42 U.S.C. Section 1983 in the amount of $1,000,000.

AS AND FOR A THIRTY-FIRST CAUSE OF ACTION, PLAINTIFF ALLEGES:

80. Repeats and realleges each and every allegation contained in paragraphs "69" through "70" of this complaint with the same force and effect as if fully set forth herein.

81. Plaintiff has sustained damages as a result of said intentional infliction of emotional distress in the amount of $1,000,000.

AS AND FOR A THIRTY-SECOND CAUSE OF ACTION, PLAINTIFF ALLEGES:

82. Repeats and realleges each and every allegation contained in paragraphs "69" through "70" of this complaint with the same force and effect as if fully set forth herein.

83. Plaintiff has sustained damages as a result of said reckless endangerment in the amount of $10,000,000.

AS AND FOR A THIRTY-THIRD CAUSE OF ACTION, PLAINTIFF ALLEGES:

84. Repeats and realleges each and every allegation contained in paragraphs "69" through "70" of this complaint with the same

force and effect as if fully set forth herein.

85. Plaintiff has sustained damages as a result of said invasion of privacy in the amount of $1,000,000.

AS AND FOR A THIRTY-FOURTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

86. Repeats and realleges each and every allegation contained in paragraphs "69" through "70" of this complaint with the same force and effect as if fully set forth herein.

87. Plaintiff has sustained damages as a result of said terrorism in the amount of $10,000,000.

AS AND FOR A THIRTY-FIFTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

88. Repeats and realleges each and every allegation contained in paragraphs "69" through "70" of this complaint with the same force and effect as if fully set forth herein.

89. Plaintiff has sustained damages as a result of said deception in the amount of $10,000,000.

AS AND FOR A THIRTY-SIXTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

90. Repeats and realleges each and every allegation contained in paragraphs "69" through "70" of this complaint with the same force and effect as if fully set forth herein.

91. By reason and in consequence of this conspiracy, defendants did violate plaintiff's Fourth Amendment rights to be secure in his person, house, papers and effects against unreasonable searches and seizures.

92. Plaintiff has sustained damages as a result of said violation of his Fourth Amendment rights in the amount of $1,000,000.

AS AND FOR A THIRTY-SEVENTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

93. Repeats and realleges each and every allegation set forth in paragraphs "1" through "4" of this complaint with the same force and effect as if fully set forth herein.

94. On May 17, 1989 Plaintiff was on Pravda land when he was approached by

defendant JANICE GRANT who drove plaintiff from the land at gunpoint.

95. On September 26, 1989 defendant JANICE GRANT pointed a gun at plaintiff as he was on said Pravda land and forced him to leave as before at gunpoint.

96. Later in the fall of 1989 defendants ERNEST GRANT and TIMOTHY GRANT attempted to waylay plaintiff by enticing him to come to a place on said Pravda land.

97. On October 12, 1989 defendant JANICE GRANT led a baby into the path of my car as plaintiff drove onto said Pravda land, and repeatedly ran into the path of plaintiff's moving car leading infants with her as plaintiff sought alternate path to drive onto said property.

98. Defendant JANICE GRANT immediately thereafter made the statement to plaintiff that she would call the police and say to them that plaintiff was masterbating there.

99. This confederacy between said named

defendants was expanded and extended as time passed to include others who elected to join in the wrongs aimed at plaintiff. Defendant JOHN M. HOGAN JR. was said to have advised defendants GRANT GANG that they could do as they pleased on said Pravda land. Defendant JAMES DOE was said to have made defaming statements about plaintiff to PATRICK FIOLA. By reason and in consequence of this conspiracy, defendants did violate plaintiff's Fourth Amendment rights to be secure in his person, house, papers and effects against unreasonable searches and seizures; did violate plaintiff's Fifth and Fourteenth Amendment rights not to be deprived of life, liberty, or property without due process of law; did violate plaintiff's Fourteenth Amendment rights to have equal protection of the laws; violate plaintiff's civil rights in violation of the Civil Rights Act, Title 42 of the United States Code, Sections 1983, 1985 (2)(3).

100. Defendants wrongfully, willfully and maliciously and without right or a pretense of legal process recklessly endangered plaintiff's life and obstructed and deprived plaintiff of his rightful abode and use and access to his property. As a result plaintiff was injured, and was prevented from transacting his business, suffered great pain of body and mind.

101. Plaintiff has sustained damages as a result of said conspiracy in violation of 42 U.S.C. Section 1985 (2)(3) in the amount of $2,000,000.

AS AND FOR A THIRTY-EIGHTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

102. Repeats and realleges each and every allegation contained in paragraphs "93" through "100" of this complaint with the same force and effect as if fully set forth herein.

103. Plaintiff has sustained damages as a result of said violation of his Fourth Amendment rights in the amount of $1,000,000.

AS AND FOR A THIRTY-NINTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

104. Repeats and realleges each and every allegation contained in paragraphs "93" through "100" of this complaint with the same force and effect as if fully set forth herein.

105. Plaintiff has sustained damages as a result of said violation of his Fifth Amendment rights in the amount of $1,000,000.

AS AND FOR A FORTIETH CAUSE OF ACTION, PLAINTIFF ALLEGES:

106. Repeats and realleges each and every allegation contained in paragraphs "93" through "100" of this complaint with the same force and effect as if fully set forth herein.

107. Plaintiff has sustained damages as a result of said violation of his Fourteenth Amendment rights in the amount of $1,000,000.

AS AND FOR A FORTY-FIRST CAUSE OF ACTION, PLAINTIFF ALLEGES:

108. Repeats and realleges each and every allegation contained in paragraphs "93"

through "100" of this complaint with the same force and effect as if fully set forth herein.

109. Plaintiff has sustained damages as a result of said violation of 42 U.S.C. Section 1983 in the amount of $2,000,000.

AS AND FOR A FORTY-SECOND CAUSE OF ACTION, PLAINTIFF ALLEGES:

110. Repeats and realleges each and every allegation contained in paragraphs "93" through "100" of this complaint with the same force and effect as if fully set forth herein.

111. These acts of defendants directed at plaintiff were done in pursuance of said conspiracy and by reason and in consequence of this conspiracy defendants did violate plaintiff's right to privacy; did continue the torture of the plaintiff; did continue the terrorism directed against the plaintiff and his family; did recklessly endanger the life of the plaintiff; did deliberately and maliciously inflict emotional distress upon the plaintiff; did continue the assault on

the plaintiff by causing him to be in constant fear and imminent peril of his person.

112. Plaintiff has sustained damages as a result of said invasion of privacy in the amount of $1,000,000.

AS AND FOR A FORTY-THIRD CAUSE OF ACTION, PLAINTIFF ALLEGES:

113. Repeats and realleges each and every allegation contained in paragraphs "110" through "111" of this complaint with the same force and effect as if fully set forth herein.

114. Plaintiff has sustained damages as a result of said torture in the amount of $50,000,000.

AS AND FOR A FORTY-FOURTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

115. Repeats and realleges each and every allegation contained in paragraphs "110" through "111" of this complaint with the same force and effect as if fully set forth herein.

116. Plaintiff has sustained damages as a result of said terrorism in the amount of

$15,000,000.

AS AND FOR A FORTY-FIFTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

117. Repeats and realleges each and every allegation contained in paragraphs "110" through "111" of this complaint with the same force and effect as if fully set forth herein.

118. Plaintiff has sustained damages as a result of said reckless endangerment in the amount of $15,000,000.

AS AND FOR A FORTY-SIXTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

119. Repeats and realleges each and every allegation contained in paragraphs "110" through "111" of this complaint with the same force and effect as if fully set forth herein.

120. Plaintiff has sustained damage as a result of said intentional infliction of emotional distress in the amount of $5,000,000.

AS AND FOR A FORTY-SEVENTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

121. Repeats and realleges each and every allegation contained in paragraphs "110" through "111" of this complaint with the same force and effect as if fully set forth herein.

122. Plaintiff has sustained damages as a result of said assault in the amount of $5,000,000.

AS AND FOR A FORTY-EIGHTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

123. Repeats and realleges each and every allegation contained in paragraphs "1" through "4" of this complaint with the same force and effect as if fully set forth herein.

124. Defendants UNITED STATES OF AMERICA, STATE OF NEW YORK, COUNTY OF SARATOGA, N.Y., CITY OF SARATOGA SPRINGS, N.Y., and their armed forces mounted an offensive to continue the torture and abuse of the plaintiff to furthur the conspiracy and cover it up as well; while defendants GRANT GANG continued with their campaign against plaintiff to torment him and obstruct his travel by placing

trash onto Pravda property including broken glass on the lawn. Various officialdom of said defendant governments have served the objectives of the conspiracy and its coverup. Various armed forces of said defendant governments have and continue to stalk, menace, torment, tailgate, block, obstruct plaintiff's free travel on the highways and throughout the land. Flying armed forces of the central government have repeatedly invaded Pravda airspace directly above Pravda land with various military aircraft just above the treetops to torment plaintiff furthur. Jet fighter craft would swoop down to single out Pravda property and plaintiff's location and do their wicked deed. Likewise with military helicopter activities of like nature directed against plaintiff. These activities became evident and extensive after plaintiff notified said defendant governments of his intent to file a claim against them for their part in the subject conspiracy in injuring plaintiff.

These wrongful acts have continued throughout 1990 and there is reason to believe they will continue in the coming years; as the defendant governments and governmental subdivisions continue to submit plaintiff to these uncivilized and brutal ordeals; constituting a depraved indifference to human life and a crime against humanity; as well as against plaintiff. Various government entities have practiced terrorism to secure the objectives of the conspiracy via their police forces and other goon squads, agents, operatives, officialdom, employees, officers, contractors, functionaries, servants. Armed forces of the defendant governments have repeatedly stalked, tormented, recklessly endangered, plaintiff in recent months, weeks, and days and continuing; payrolled and financed by defendant UNITED STATES OF AMERICA, defendant STATE OF NEW YORK, defendant COUNTY OF SARATOGA, N.Y., defendant CITY OF SARATOGA SPRINGS, N.Y. injuring and continuing to cause injury to

plaintiff. Available resources of said defendant governments, including but not limited to, aircraft, vehicles, various equipment, infrastructure, organizations owned and maintained by said defendant governments, whether individually, collectively, or cooperatively for the operation of government, defense of the country, community, and protection of the people; have and continue to be used to: spy, stalk, torment, torture, mount offensives, forays, direct operations, conduct ground and air raids, missions of seeding data banks with false and slanderous information, invading Pravda air space and property, trespasses to disrupt plaintiff's quiet enjoyment of property, assailments, hostilities, attacks, agressions, assaults, against plaintiff as herein described and more.

125. On April 23, 1990 an automotive police patrol vehicle owned and maintained by defendant COUNTY OF SARATOGA, N.Y. launched

an deafening noise offensive against plaintiff as he was standing on Pravda property.

126. On September 3, 1989 a military helicopter owned and maintained by defendant UNITED STATES OF AMERICA made a foray and raid against plaintiff where he was located on Pravda land; invading Pravda airspace just above the treetops to torment and continue the torture of plaintiff. Similar raids have continued throughout the year of 1990 and have included military fighter aircraft swooping down from great altitudes to seek out Pravda property and invade its airspace at the dangerous altitude just above the treetops to recklessly endanger plaintiff's life in this mission to continue the torment and torture of plaintiff.

127. Plaintiff wrote a letter to defendant GEORGE HERBERT WALKER BUSH in his official capacity as President of defendant UNITED STATES OF AMERICA and in his capacity as Commander in Chief of the Armed Forces of said

defendant central government; seeking relief from the wrongful activities being directed against him; without avail. Defendant GEORGE HERBERT WALKER BUSH speaking as president of defendant UNITED STATES OF AMERICA recently stated "I view a fundamental responsibility of my presidency is protecting American citizens . . ." broadcast on national network television. President BUSH has also stated in regard to American citizens abroad ". . . if they're threatened, or harmed in any way or put in harms way , . . I have certain responsibilities . ." Before, during, and after such definitive statements plaintiff continued to be victimized by the tyrannical, barbaric police and armed forces of defendant governments.

128. Defendant President BUSH and the Congress of defendant UNITED STATES OF AMERICA are more than willing to commit, sacrifice lives; willing to allow vast numbers of our young citizens to be maimed, mutilated,

mangled, disabled, or killed in the name of alien property interests; and has committed vast armies, wealth, national treasure to impliment this policy. Defendant President BUSH, in the name of the people of defendant UNITED STATES OF AMERICA, has often stated that our country will go to war on behalf of alien interests and in particular that the government of Iraq must make compensation to those alien individuals who claim injury from Iraq's recent actions and undertakings. Citizen plaintiff has been repeatedly injured by defendant governments and others, individually and collectively; has made claim for compensation for his injuries from said defendant central government & other defendant governments; without avail. Defendants UNITED STATES OF AMERICA, STATE OF NEW YORK, COUNTY OF SARATOGA, N.Y., CITY OF SARATOGA SPRINGS, N.Y. have ignored and continue to ignore the SUPREME LAW OF THE LAND in this regard and have undertaken to continue the

injuring of the plaintiff; all contrary to the SUPREME LAW OF THE LAND, established principles of human rights and justice. Defendant governments have repeatedly demonstrated to plaintiff their ability to condone and engage in mayham via their armed forces. This, coupled with previous acts of mayham upon plaintiff, demonstrates to plaintiff of their intent to future repetition of actions complained heretofore and herein. Defendant GEORGE HERBERT WALKER BUSH, in his official capacity as president and commander in chief of the armed forces of defendant UNITED STATES OF AMERICA, has repeatedly boasted that he is commander in chief and that he alone decides and directs its offensive actions and that he is responsible for those actions; and that he carries a copy of the Constitution of the United States of America on his person wherein he is designated as commander in chief of the armed forces of defendant UNITED STATES OF AMERICA; and that

he and his wife have read accounts of tortures against non-Americans and his abhorence thereof, and taking such accounts as being true without investigation; and that he issued an ultimatum based solely on his reading of such accounts; and defendant BUSH stated to news reporters on September 24, 1990 that the objectives is to see that naked agression does not pay off and we intend to stay with that objective in reference to his deployment of vast armed forces of defendant UNITED STATES OF AMERICA in the Persian Gulf region and elsewhere in the world to embargo Iraq and prepare and position themselves for the enormous WAR that defendant President GEORGE HERBERT WALKER BUSH has since that time made against Iraq allegedly on order of the United Nations and to implement that intent. Defendant President Bush in the name of the people of defendant UNITED STATES OF AMERICA has before that time and since engaged in and supported naked agression against plaintiff

in an acts of domestic agression against a citizen of defendant UNITED STATES OF AMERICA, as herein and heretofore, and hereafter described and more. During the Spring, Summer, Fall, and Winter of 1990 military aircraft of defendant central government as well as para-military aircraft of defendant STATE OF NEW YORK swooped down from great altitudes to near treetop altitudes to invade Pravda airspace on tormenting and torture missions directed at plaintiff. All this was occurring while U.S. Senator John Warner and other officialdom of defendant governments were making pronouncements that it is the duty of the defendant UNITED STATES OF AMERICA to protect United States citizens; meanwhile giving frequent and repeated ultimatums to enforce this duty.

129. In recent months, and particularly since the onset of WAR involving our country and started by defendant President BUSH, the officialdom of the defendant central government has and have and continue to repeatedly

stated a "duty" to defend the rights, lives, and interests of aliens abroad as well as United States citizens; while condoning, supporting, contributing to the violation of such a "duty" to United States citizen plaintiff as heretofore, herein, and hereafter described and more and continuing.

130. Torture chambers wherein plaintiff was tortured were constructed, maintained, financed, staffed, supported, by a coalition of defendants CITY OF SARATOGA SPRINGS, NEW YORK, COUNTY OF SARATOGA, NEW YORK, STATE OF NEW YORK, UNITED STATES OF AMERICA for use of their police forces and others.

131. Data banks seeded with spiteful and malicious information about plaintiff were constructed, maintained, financed, staffed, supported by a coalition of defendants UNITED STATES OF AMERICA, STATE OF NEW YORK, COUNTY OF SARATOGA, N.Y., CITY OF SARATOGA SPRINGS, N.Y. for use of their armed forces and others.

132. Defendant UNITED STATES OF AMERICA has started a super collossal war for the primary benefit of alien interests outside the territory of the United States on a scale unprecedented in history expending countless human lives and tens of billions of dollars; while deliberately, maliciously, wantonly, and with utter disregard its contractual obligations found in the supreme law of the land between itself and the people of the United States; & supporting and undertaking to again and again and again torment, torture, and violate plaintiff and injure him in his person, property & rights. Defendant President BUSH has stated that he consults with lawyers in reaching his decisions regarding his momentous decision to send vast armed forces of defendant UNITED STATES OF AMERICA to engage in WAR of enormous magnitude on behalf of a foreign country; in apparent disregard of his oath of office and while deploying and ordering elements of

these same armed forces to conduct air raids against plaintiff as hereto fore and herein described; and while proclaiming that such activities are part of a new world order, and that said vast WAR IS JUST WAR. These military, paramilitary and other covert actions against plaintiff were organized and directed from said defendant governments and coallition entities and allies and partners by their officialdom, operatives, agents, employees, functionaries, contractors, servants, stooges, puppets, henchmen, slaves, followers, cohorts, disciples, advocates, counselors, servants, surrogates, tools, proxies, vassals,, representatives, ghouls as heretofore, herein, hereafter described as well as others; and more. These were and are acts of oppression, terrorism, torment, torture, extortion, brutality, larceny, and more in operations aimed at plaintiff using government, defendant governments apparatus, infrastructure, finances, networks, and directed from said

defendant governments civil, military and paramilitary headquarters. Various government automotive vehicles were and continue to be used to support, furthur the objectives of the alliance and coallition forces mobilized against plaintiff, and bore license plates usually assigned to governmental bodies or the word "POLICE" or license plates titled " U.S. GOVERNMENT ". Defendant governments forces would conduct spy activities against plaintiff and undertake expiditions to torment, torture, harass, intimidate, coerce, extort, force him into foregoing his constitutional rights. One such belligerent expidition occurred during the day of February 26, 1990 when local and central government forces tracked, and tried and offensively created danger of vehicular collision with plaintiff during his travels on public roads and highways; by sharply cutting into plaintiff's way with defendant " U.S. GOVERNMENT " designated vehicle and

more; recklessly endangering plaintiff's life, causing him to be in constant fear as a result of these continuing torments, tortures. On December 12, 1990 police forces of defendant CITY OF SARATOGA SPRINGS, NEW YORK repeatedly tailgated plaintiff as he traveled on public roadways. Said police forces traveled outside of their territorial jurisdiction to torment plaintiff; while they operated automotive vehicles owned and maintained by defendant CITY OF SARATOGA SPRINGS, NEW YORK for the use and benefit of its police forces. On December 15, 1990 a Conservation Department officer of defendant STATE OF NEW YORK followed plaintiff in his travels to stalk and continue the torment, torture of plaintiff. Police forces of defendant STATE OF NEW YORK; using aircraft and automotive vehicles owned and maintained by said defendant State of New York, for the use and benefit of its police forces; have and continue to stalk plaintiff in alliance

with other armed forces and co-conspirators and others. Police forces of defendant COUNTY OF SARATOGA, NEW YORK; using automotive vehicles owned and maintained by said defendant COUNTY OF SARATOGA, NEW YORK for the use and benefit of its police forces; have and continue to stalk plaintiff in alliance with other armed forces and co-conspirators and others menacing and endangering the life of the plaintiff and have repeatedly blocked plaintiff's access to a postal service mailbox and more to obstruct this legal action. Armed forces of defendant CITY OF SARATOGA SPRINGS, NEW YORK; using automotive vehicles owned and maintained by said defendant CITY OF SARATOGA SPRINGS, NEW YORK for the use and benefit of its police forces and others; have and continue to stalk plaintiff in alliance with other armed forces and co-conspirators and others. A defendant STATE OF NEW YORK Conservation Department police officer,

JAMES DOE, made slanderous statements about plaintiff to individuals in the areas where he lives and travels; as have other named and unnamed co-conspirators. Officialdom of defendant governments are their official organs and are deemed acting on authority of their office when they attack, torment, torture, slander plaintiff. These tortures and atrocities by the hands of the armed forces of defendant governments typify police state tactics repugnant to our concepts of a democratic civilized and ordered and just society. In open court Judge Roger Miner, while sitting on the bench, gave tacit approval to wrongful activities of police forces directed at plaintiff; which has contributed to those heretofore, herein, described and more and continuing. Time and time and time and again and again and again . . . defendant governments have and continue on their collective wrongful policy, practice of oppression and aggressions against

plaintiff.

133. These acts and various others all evidence the continuing conspiracy against the plaintiff and the pervasive nature of the defendants' acts used to carry out the objectives of the conspiracy and to now cover up the conspiracy.

134. In addition to the specific wrongful acts heretofore and herein described and alleged, defendants GEORGE HERBERT WALKER BUSH ( President of the United States of America ), the UNITED STATES OF AMERICA, the STATE OF NEW YORK, the COUNTY OF SARATOGA, N.Y., the CITY OF SARATOGA SPRINGS, N.Y., JAMES BOWEN ( Saratoga County Sheriff ), JOHN M. HOGAN JR. ( Attorney for defendant ERNEST GRANT and others ), ERNEST GRANT, and MAX DOE ( Chief of Police for Saratoga Springs, New York ) whose real name is unknown, are all made defendants in this complaint by virtue of their actual agreement to participate in the conspiracy and

by their constructive agreement to participate in the conspiracy through their personnel, operatives, utilization of various government infrastructures, funds, resources, and their gross negligence in the operation and supervision of their facilities and personnel and those for which they are so responsible.

135. Defendants wrongfully, willfully and maliciously did cause the intentional infliction of emotional distress on the plaintiff; did torture the plaintiff and continue to torture the plaintiff; did oppress the plaintiff and continue the oppression of the plaintiff; did torment the plaintiff and continue the torment of the plaintiff; did recklessly endanger the life of the plaintiff and continue to recklessly endanger the life of the plaintiff; did trespass against the plaintiff and continue to trespass against the plaintiff; did slander the plaintiff and continue the slander of the plaintiff; did assault and batter the plaintiff

and continue the assault and battery on the plaintiff by causing him to be in constant fear of imminent peril of his person. These acts were done in pursuance of said conspiracy; and continue to be done for it.

136. Defendant GEORGE HERBERT WALKER BUSH, while acting in his official capacity as President of defendant UNITED STATES OF AMERICA, has recently made and repeated a proclaimation that crimes committed against Americans, as well as aliens, would not go unpunished and that those responsible would be made to pay damages to the victims and that criminals, perpetrators would have no escape from that consequence of their wrongful acts. Congressmen from defendant STATE OF NEW YORK as well as other official-dom of defendant governments have made similar pronouncements as have the various allies of said central government. The chairman of the Congressional Armed Services Committee has made a pronouncement of the

duty of and responsibility of the central government to protect U.S. citizens.

137. Defendant governments as well as certain other defendants already have a history of wrongful activities against plaintiff including, but not limited to, torture, torment, oppression, terrorism, attempted murder, reckless endangerment, trespass, slander, assault and battery, and more.

138. Defendant governments as well as certain other defendants have a history of participating in conspiracies against plaintiff. Defendant central government, the UNITED STATES OF AMERICA has pumped hundreds upon hundreds of billions of dollars for decades upon decades to support foreign governments that have and continue to engage in crimes and conspiracies against individuals and peoples of a similar nature as those complained of herein and heretofore. Defendant STATE OF NEW YORK Congressmen have for decades likewise given unequivocal

support to such heinous foreign governments. Officialdom of defendant local governments have frequently supported the central government in this practice; such is the pervasive and tenacious infestation of the wrongful intentions in defendant governments. It is this doctrine of giving financial, military support to conspiracies directed against select individuals and peoples that has been and is the foundation of the police brutality, and racketeering by politico-police-business-private interests directed against plaintiff whereby a program was instituted to achieve objectives of the conspiracy against plaintiff whereby officialdom would use all available means and resources; even forceably seizing plaintiff and holding him hostage; in addition to the unamerican activities heretofore described herein as well as obstructing plaintiff's prosecution of this action. Despite the defendant governments professing concerns and respect for

human life they have in fact shown, along with other defendants, a depraved indifference for human life in their actions against plaintiff as heretofore and herein described and more. Defendant President of the defendant UNITED STATES OF AMERICA, GEORGE HERBERT WALKER BUSH acting in his official capacity recently stated " I view a fundamental responsibility of my presidency is protecting American citizens ..." in broadcasts on national network television. Defendant BUSH also stated, in regard to American citizens abroad "... if they're threatened, or harmed in any way or put in harms way ... I have certain responsibilities ..."; while covertly participating in the targeting of plaintiff through the use of central government agents, operatives, clients, hitmen, ... and so on as herein and heretofore described and experienced by plaintiff. The defendant central government has a history of targeting individuals through such covert operations as

well as open operations. This in addition to targeting foreign nations in vast wars for dubious causes and in violation of the Supreme Law of the Land; as in the notorious ongoing war in the Middle East. A Congressman from Defendant STATE OF NEW YORK openly and publicly in broadcasts on national network television advocated the targeting of the President of Iraq and repeatedly made such statements unchallenged by defendant BUSH; who also has a history of ignoring the Supreme Law of the Land. Defendant central government has a history as do the other defendant governments, of participating in conspiracies on behalf of vested interests; and openly boasts that its vast military adventure and operations in the Middle East War activity are mostly financed by foreign states. Similarly defendant governments tyrannical operations directed against plaintiff are financed without protest by the taxpayers of our country including

taxpayer protesting plaintiff. Said beastly attacks upon plaintiff are made in the name of the people of our country including the plaintiff who is one of the people of defendant UNITED STATES OF AMERICA; and plaintiff protests this abuse, erosion, deterioration, decay of the principles of life, liberty and the pursuit of happiness, and freedom and justice for all. Defendant BUSH has recently made public statements broadcast on national network television giving tacit approval to targeting the president of Iraq. All this demonstrates a pattern of behavior far removed from anything which could be considered appropriate, democratic, constitutional governmental activity. Likewise it is far beyond normal, ordinary business, private-government judgement. To make the conspiracy against plaintiff effective, as in former and coexistent conspiracies against plaintiff, and workable it needed defendants governments to uphold it, and their continuing agreement

and concert of action. Plaintiff was targeted because he belongs to a class of citizens who owns property sought by politico-private-police-business-governmental interests and/or was an obstacle to said interests objectives in unlawfully gaining private property belonging to Pravda; and was also targeted because he belonged to a class of citizens of Eastern European descent. Defendant governments through their police forces and armed forces have a campaign plan actively targeting the plaintiff as heretofore and herein alleged, and more. In the course of and through the operation of the conspiracy these acts and methods consisted of mafia-like police state tactics by defendants wherein a term of the consoiracy itself provided for the subjugation and enslavement of plaintiff to the will of the conspirators or in the alternative the bringing about of the demise of the plaintiff. The conspiracy, combination, agreement

between and among the defendants was and continues to be modulated with fringe activities to camouflage its superstructure and included provisions for satellite activities directed against plaintiff including larceny, terrorism, trespass, torture, false imprisonment, ... and feedback circuits to secure its perpetuity, continuity and ultimate success; as well as its coverup. Defendant GEORGE HERBERT WALKER BUSH as leader of defendant UNITED STATES OF AMERICA has demonstrated that he is willing and able and has undertaken to ravage and destroy a nations vast physical resources as well continues to destroy, maime, injure countless innocent people in any nation and place on earth to furthur his objectives and goals as well as exploit the youth and unborn of generations of Americans for his purposes. The current war is being taxed on future generations who will be born tax slaves; is taxation without representation. In a

similar mode of operation he has been ruthless against vulnerable Americans at home as demonstrated in the heretofore and herein described activities and more. Officialdom of defendant governments have a history of feeding misinformation, untruths, distorted information to furthur collateral objectives of the conspiracy to damage plaintiff's family by way of wrongful actions against the plaintiff; and have contributed to a scheme to eliminate plaintiff. Resources that defendant UNITED STATES OF AMERICA brought into use against plaintiff were largely appropriated or funded by Congress for defense use and their use against defenseless citizen plaintiff constituted at the very least misuse of Federal property. Defendant governments have a history of securing private property without due process for vested interests. Defendant central government has a history of destroying private property without due process as evidenced in the reported

destruction of hundreds of billions of dollars worth of property in the current War; without concern of whether it is private or public, or whether the activity violates the Supreme Law of the Land. The military has become the workhorse of defendant UNITED STATES OF AMERICA foreign policy, and likewise in its police activities against the plaintiff. Police have told plaintiff that they are the "new gencration" during their torture activities of plaintiff. Police automotive patrol vehicles owned by defendant COUNTY OF SARATOGA, N.Y. bearing the license plate "SHERIFF" regularly menace, stalk and prey upon plaintiff, and prowl with that intent. Police and armed forces integrated the over-all conspiracy, combination and agreement in or about 1988 and in continuous operation thereafter, by which the defendants as a group developed a system to eliminate the plaintiff from Pravda property. Said defendant governments

are guilty gross negligence of governmental duty in permitting the herein and heretofore described and continuing brutal, savage atrocities on, against plaintiff; and its mind boggling mind set in participating in and fostering and supporting the various conspiracies against plaintiff again and again and again . . , and have again and again and again and again ... engaged in the Torture, torment, terrorizing, falsely imprisoning, trespass and all the other wrongful activities heretofore and herein described and more of the plaintiff. Defendant central government has a history of torture of innocents evidenced by its ongoing massive horrific relentless bombing of the capitol of Iraq, demonstrating its utter disregard for the sancity of human life. On February 13, 1991 central government spokesman Marlin Fitswater stated ...on public television ".. our concern for the sanctity of life .... America treats human life as our most precious value"

and "... our value in the sanctity of life.." Plaintiff was passive throughout the brutal, barbaric tortures inflicted upon him by the hirelings of defendant governments. Before, during, and after and continuing such definitive statements by defendant central government representative the plaintiff continues to be victimized by the tyrannical, barbaric activities of police and armed forces of defendant governments. State police forces using automotive as well as helicopter aircraft and other means continue their campaign and operations of raids against plaintiff. These are and were acts in cooperation and support of the conspiracy. Police in their bashing of plaintiff's head into concrete have shown a callous disregard for human life, and their gleeful demeanour during such activities demonstrated their heinous character. Defendant UNITED STATES OF AMERICA and defendant STATE OF NEW YORK and defendant COUNTY OF SARATOGA, NEW YORK

and defendant CITY OF SARATOGA, NEW YORK all have a history of seizing private property without due process. As has been so dramatically demonstrated the central government in the closing days of the War dominantly exercises control over alien private property to the exclusion of the rights of the owners. Also, said defendant central government openly and for all the world to see and know and itself know and boast about destroys alien private property; as well as regularly destroys domestic private property. Defendant governments have a history of Hitlerism like terrorism similar to that inflicted and being inflicted on plaintiff; directly and indirectly and covertly. Defendant governments acting through their armed forces, officialdom have a well known history of the oppressive kinds of lawlessness, ruthlessness, barbarism; with utter disregard for the Supreme Law of the Land. Another component of the conspiracy against plaintiff is the destruction of

plaintiff's family and community relationship. Hirelings and police forces of defendants governments have a well known history of victimizing innocent people; and in particular innocent American citizens; and more particularly the plaintiff as heretofore and herein and more complained. Citizen plaintiff has been repeatedly raped by his own government. Defendant GEORGE HERBERT WALKER BUSH has a commonly known history of covert activity on behalf of defendant UNITED STATES OF AMERICA as its agent; and has gloated as he declared his ending of the afore mentioned War against Iraq while denying that he is doing so. Defendant governments have a history of serving vested interests with taxpayers' money and have a history of masking war activity under the guise of "police actions"; as well as the defendant central government masking its legal department under the title "Justice", designed to deceive the public, and in particular the citizen

plaintiff. Defendant central government has a history of ruining lives through its armed forces, agents, operatives, hirelings, and has a history of lies, lies, lies. Deception is a key operational element in the conspiracy and its coverup. Defendant governments have a history of mutual support and cooperation in their endeavors and undertakings and activities; and have a history of threatening innocents; and have a history of seizing private property without due process; and have a history of serving vested private-political interests to the damage of individual citizens. Plaintiff belongs to a class of citizens who owns property sought by government and private interests; which has repeatedly been the goal of the conspiracies against plaintiff, to obtain that property without regard for the plaintiff's constitutional rights. Defendant governments have a history of subverting the public trust and then brainwashing the public to the

belief that their actions were in the public interest. Feedback of benefits and funds by the true benefactors of governmental wrongdoings to secure the perpetual continuity of the activities to their benefit at public expense. A term of the conspiracy is just such wrongful activity and to secure the removal of plaintiff from his rightful abode and place on Pravda property to secure that property wrongfully for vested interests. Defendant central government with the support of and approval of other defendant governments, as in the recent War, have a history of defending and supporting alien foreign property and interests, have a history of funding vested interests with taxpayers' money, have a history of providing security to vested interests while ignoring domestic needs, have a history of launching aggressive wars, have a history of undertaking armed conflicts under false pretenses, have a history of duping the public, Defendant central government supported by

defendants local governments have a history of ruining innocent lives. Banner headlines on newspapers all across America proclaim that the War is over, while the prestigious New York Times proclaims on March 1, 1991 "TRUCE HOLDS, BUT U.S. VOWS TO STAY IN IRAQ UNTIL BAGHDAD MEETS ALLIES' PEACE TERMS"; while on February 28, 1991 the Saratogian newspaper, located just across from where plaintiff was Tortured in defendant CITY OF SARATOGA SPRINGS, NEW YORK 's Torture Chamber, in giant headline proclaimed "PEACE". Newspapers reported as fact things going on many thousands of miles away while oblivious to goings on in nearby torture chambers "just across the street" from their newsrooms. Defendant GEORGE HERBERT WALKER BUSH has been goven personal credit for the success of the vast recent war both in Congress and the Press and News Media as well as by a large segment of the populace of defendant United States of America as well as by the Military-Industrial complex.

All this while wantonly neglecting his duty to citizen plaintiff to protect plaintiff from corruption and evil and not to join in on such evil wrongdoing against plaintiff; as herein and heretofore described and more. Tyranny is the deliberate social and economic and personal oppression of an individual or group of citizens, and terrorism is the threatening and use of violence against an individual citizen or group of citizens; for the purpose of instilling terror into the individual or group. Barbarism is the practice of brutality upon an individual or group of people. Torture is a repeated and continual attack upon the individual and the individual spirit whether as singled out or as part of a group; whether typically in a torture chamber; or wherever the individual or group may be held or situated. Each of these activities became a term of the agreement between the conspirators and more, and were carried out against plaintiff to furthur the objectives

of the conspiracy as herein and heretofore described; as well as being extensions of former conspiracies. Defendant UNITED STATES OF AMERICA and defendant STATE OF NEW YORK and defendant COUNTY OF SARATOGA, NEW YORK and defendant CITY OF SARATOGA SPRINGS, NEW YORK and defendant GEORGE HERBERT WALKER BUSH and other unnamed co-conspirators officialdom of defendant governments are guilty of wanton neglect and negligence in permitting and condoning the use of governmental infrastructure, personnel, employees, operatives, agents, contractors, equipment, financial resources, institutions, to be subverted and used to the cause of the conspiracy ignoring their sacred duty; as heretofore and herein complained. This all constitutes the prima facia torts of oppression, torture, torment, terrorism, tyranny, attempted murder, reckless endangerment, trespass, slander, assault and battery, invasion of privacy, barbarism and more without economic or social justification, but

solely to harm or destroy the plaintiff.

139. These acts and various others too numerous to mention in this complaint all evidence the continuing conspiracy against the plaintiff and the pervasive nature of the defendants' acts used to carry out the objectives of the conspiracy and to now cover up the conspiracy.

140. These acts of defendants directed at plaintiff were done in pursuance of said conspiracy and by reason and in consequence of this conspiracy defendants did violate plaintiff's right to privacy; did continue the torture of the plaintiff; did continue the terrorism directed against the plaintiff and his family; did recklessly endanger the life of the plaintiff; did deliberately and maliciously inflict emotional distress upon the plaintiff; did continue wantonly the oppression, torment, tyranny, attempted murder, trespass, slander, assault, barbarism upon the plaintiff; did violate plaintiff's Fourth

Amendment rights to be secure in his person, house, papers and effects against unreasonable searches and seizures; did violate plaintiff's Fifth and Fourteenth Amendment rights not to be deprived of life, liberty, or property without due process of law; did violate plaintiff's Fourteenth Amendment rights to have equal protection of the laws; did violate plaintiff's civil rights in violation of the Civil Rights Act, Title 42 of the United States Code, Sections 1983, 1985 (2) (3).

141. Defendants wantonly, wrongfully, willfully and maliciously did cause and continue the intentional infliction of emotional distress on the plaintiff; did continue the assault on the plaintiff by causing him to be in constant fear of imminent peril of his person; did continue the oppression, terrorism, tyranny, torment, trespass, barbarism wantonly upon the plaintiff; and more. These acts were and continue to be done in pursuance of said

conspiracy and its coverup.

142. Plaintiff has sustained damage as a result of said conspiracy in violation of 42 U.S.C. Section 1985 (2) (3) in the amount of $3,000,000.

AS AND FOR A FORTY-NINTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

143. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same force and effect as if fully set forth herein.

144. Plaintiff has sustained damage as a result of said violation of plaintiff's right to privacy in the amount of $3,000,000.

AS AND FOR A FIFTIETH CAUSE OF ACTION, PLAINTIFF ALLEGES:

145. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same force and effect as if fully set forth herein.

146. Plaintiff has sustained damages as a result of said torture in the amount of

$10,000,000.00 .

AS AND FOR A FIFTY-FIRST CAUSE OF ACTION, PLAINTIFF ALLEGES:

147. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same force and effect as if fully set forth herein.

148. Plaintiff has sustained damages as a result of said terrorism in the amount of $10,000,000.

AS AND FOR A FIFTY-SECOND CAUSE OF ACTION, PLAINTIFF ALLEGES:

149. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same force and effect as if fully set forth herein.

150. Plaintiff has sustained damages as a result of said reckless endangerment of the life of the plaintiff in the amount of $10,000,000.

AS AND FOR A FIFTY-THIRD CAUSE OF ACTION, PLAINTIFF ALLEGES:

151. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same force and effect as if fully set forth herein.

152. Plaintiff has sustained damage as a result of said intentional infliction of emotional distress in the amount of $10,000,000.

AS AND FOR A FIFTY-FOURTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

153. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same force and effect as if fully set forth herein.

154. Plaintiff has sustained damage as a result of said oppression in the amount of $10,000,000.

AS AND FOR A FIFTY-FIFTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

155. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same

force and effect as if fully set forth herein.

156. Plaintiff has sustained damage as a result of said torment in the amount of $3,000,000.

AS AND FOR A FIFTY-SIXTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

157. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same force and effect as if fully set forth herein.

158. Plaintiff has sustained damages as a result of said tyranny in the amount of $10,000,000.

AS AND FOR A FIFTY-SEVENTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

159. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same force and effect as if fully set forth herein.

160. Plaintiff has sustained damage as a result of said attempted murder in the amount of $10,000,000.

AS AND FOR A FIFTY-EIGHTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

161. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same force and effect as if fully set forth herein.

162. Plaintiff has sustained damages as a result of said trespass in the amount of $3,000,000.

AS AND FOR A FIFTY-NINTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

163. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same force and effect as if fully set forth herein.

164. Plaintiff has sustained damages as a result of said slander in the amount of $5,000,000.

AS AND FOR A SIXTIETH CAUSE OF ACTION, PLAINTIFF ALLEGES:

165. Repeats and realleges each and every allegation contained in paragraphs "123"

through "141" of this complaint with the same force and effect as if fully set forth herein.

166. Plaintiff has sustained damage as a result of said assault in the amount of $5,000,000.

AS AND FOR A SIXTY-FIRST CAUSE OF ACTION, PLAINTIFF ALLEGES:

167. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same force and effect as if fully set forth herein.

168. Plaintiff has sustained damages as a result of said barbarism in the amount of $10,000,000.

AS AND FOR A SIXTY-SECOND CAUSE OF ACTION, PLAINTIFF ALLEGES:

169. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same force and effect as if fully set forth herein.

170. Plaintiff has sustained damages as a result of said violation of his Fourth

Amendment rights in the amount of $5,000,000.

AS AND FOR A SIXTY-THIRD CAUSE OF ACTION, PLAINTIFF ALLEGES:

171. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same force and effect as if fully set forth herein.

172. Plaintiff has sustained damages as a result of said violation of his Fifth Amendment rights in the amount of $5,000,000.

AS AND FOR A SIXTY-FOURTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

173. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same force and effect as if fully set forth herein.

174. Plaintiff has sustained damages as a result of said violation of his Fourteenth Amendment rights in the amount of $10,000,000.

AS AND FOR A SIXTY-FIFTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

175. Repeats and realleges each and every allegation contained in paragraphs "123" through "141" of this complaint with the same force and effect as if fully set forth herein.

176. Plaintiff has sustained damages as a result of said violation of 42 U.S.C. Section 1983 in the amount of $5,000,000.

AS AND FOR A SIXTY-SIXTH CAUSE OF ACTION, PLAINTIFF ALLEGES:

177. Repeats and realleges each and every allegation contained in paragraphs "1" through "176" of this complaint with the same force and effect as if fully set forth herein.

178. The acts, conduct, and behavior heretofore and herein said of defendants, and each of them, were performed knowingly, wantonly, intentionally, and maliciously, by by reason of which plaintiff is entitled to an award of, meaningful and appropriate for the nature of the wrongs heretofore and herein related and described which were done to plaintiff, punitive damages in the sum of

$383,000,000. Sais punitive damages being assessed for like amounts to the claimed listed compensatory damages in the sixty-four foregoing causes of action set forth in this complaint.

WHEREFORE, Plaintiff demands:

A. that the Court issue a preliminary injunction, and, upon final determination, a permanent injunction, enjoining the defendants, their officers , agents, assistants, successors, employees and persons acting in concert or cooperation with them from further wrongful activities directed against the plaintiff and violating the rights, privilages and immunities guaranteed to the plaintiff under the Constitution of the United States of America;

B. judgment against the defendants holding them jointly and severally liable for the damages to the plaintiff resulting from the conspiracy in which all of the defendants participated, and the various acts and

wrongful conduct of the defendants as outlined and described in plaintiff's complaint, in the sum of TWO MILLION and no/100 ($2,000,000,00) DOLLARS compensatory damages on the First Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Second Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000,00) DOLLARS compensatory damages on the Third Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Fourth Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Fifth Cause of Action, in the sum of TWO MILLION and no/100 ($2,000,000.00) DOLLARS compensatory damages on the Sixth Cause of Action, in the sum of TWO MILLION and no/100 ($2,000,000.00) DOLLARS compensatory damages on the Seventh Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Eighth

Cause of Action, in the sum of TWO MILLION and no/100 ($2,000,000.00) DOLLARS compensatory damages on the Ninth Cause of Action, in the sum of FIFTY MILLION and no/100 ($50,000,000.00) DOLLARS compensatory damages on the Tenth Cause of Action, in the sum of TWO MILLION and no/100 ($2,000,000.00) DOLLARS compensatory damages on the Eleventh Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Twelfth Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Thirteenth Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Fourteenth Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Fifteenth Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the

Sixteenth Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Seventeenth Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Eighteenth Cause of Action, in the sum of FIVE MILLION and no/100 ($5,000,000.00) DOLLARS compensatory damages on the Nineteenth Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Twentieth Cause of Action, in the sum of TEN MILLION and no/100 ($10,000,000.00) DOLLARS Compensatory damages on the Twenty-first Cause of Action, in the sum of TEN MILLION and no/100 ($10,000,000.00) DOLLARS compensatory damages on the Twenty-second Cause of Action, in the sum of TEN MILLION and no/100 ($10,000,000.00) DOLLARS compensatory damages on the Twenty-third Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Twenty-

fourth Cause of Action, in the sum of TEN MILLION and no/100 ($10,000,000.00) DOLLARS compensatory damages on the Twenty-fifth Cause of Action, in the sum of TWO MILLION and no/100 ($2,000,000.00) DOLLARS compensatory damages on the Twenty-sixth Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Twenty-seventh Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Twenty-eighth Cause of Action, in the sum of ONE MILLION and no/ 100 ($1,000,000.00) DOLLARS compensatory damages on the Twenty-ninth Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Thirtieth Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Thirty-first Cause of Action, in the sum of TEN MILLION and no/ 100 ($10,000,000.00) DOLLARS compensatory damages on the

Thirty-second Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Thirty-third Cause of Action, in the sum of TEN MILLION and no/100 ($10,000,000.00) DOLLARS compensatory damages on the Thirty-fourth Cause of Action, in the sum of TEN MILLION and no/100 ($10,000,000.00) DOLLARS compensatory damages on the Thirty-fifth Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Thirty-sixth Cause of Action, in the sum of TWO MILLION and no/100 ($2,000,000.00) DOLLARS compensatory damages on the Thirty-seventh Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Thirty-eighth Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Thirty-ninth Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Fortieth

Cause of Action, in the sum of TWO MILLION and no/100 ($2,000,000.00) DOLLARS compensatory damages on the Forty-first Cause of Action, in the sum of ONE MILLION and no/100 ($1,000,000.00) DOLLARS compensatory damages on the Forty-second Cause of Action, in the sum of FIFTY MILLION and no/100 ($50,000,000.00) DOLLARS compensatory damages on the Forty-third Cause of Action, in the sum of FIFTEEN MILLION and no/100 ($15,000,000.00) DOLLARS compensatory damages on the Forty-fourth Cause of Action, in the sum of FIFTEEN MILLION and no/100 ($15,000,000.00) DOLLARS compensatory damages on the Forty-fifth Cause of Action, in the sum of FIVE MILLION and no/100 ($5,000,000.00) DOLLARS compensatory damages on the Forty-sixth Cause of Action, in the sum of FIVE MILLION and no/100 ($5,000,000.00) DOLLARS compensatory damages on the Forty-seventh Cause of Action, in the sum of THREE MILLION and no/100 ($3,000,000.00) DOLLARS compensatory damages on the Forty-eighth

Cause of Action, in the sum of THREE MILLION and no/100 ($3,000,000.00) DOLLARS compensatory damages on the Forty-ninth Cause of Action, in the sum of TEN MILLION and no/100 ($10,000,000.00) DOLLARS compensatory damages on the Fiftieth Cause of Action, in the sum of TEN MILLION and no/100 ($10,000,000.00) DOLLARS compensatory damages on the Fifty-first Cause of Action, in the sum of TEN MILLION and no/100 ($10,000,000.00) DOLLARS compensatory damages on the Fifty-second Cause of Action, in the sum of TEN MILLION and no/100 ($10,000,000.00) DOLLARS compensatory damages on the Fifty-third Cause of Action, in the sum of TEN MILLION and no/100 ($10,000,000.00) DOLLARS compensatory damages on the Fifty-fourth Cause of Action, in the sum of THREE MILLION and no/100 ($3,000,000.00) DOLLARS compensatory damages on the Fifty-fifth Cause of Action, in the sum of TEN MILLION and no/100 ($10,000,000.00) DOLLARS compensatory damages on the Fifty-

sixth Cause of Action, in the sum of TEN MILLION and no/100 ($10,000,000.00) DOLLARS compensatory damages on the Fifty-seventh Cause of Action, in the sum of THREE MILLION and no/100 ($3,000,000.00) DOLLARS compensatory damages on the Fifty-eighth Cause of Action, in the sum of FIVE MILLION and no/100 ($5,000,000.00) DOLLARS compensatory damages on the Fifty-ninth Cause of Action, in the sum of FIVE MILLION and no/100 ($5,000,000.00) DOLLARS compensatory damages on the Sixtieth Cause of Action, in the sum of TEN MILLION and no/100 ($10,000,000.00) DOLLARS compensatory damages on the Sixty-first Cause of Action, in the sum of FIVE MILLION and no/100 ($5,000,000.00) DOLLARS compensatory damages on the Sixty-second Cause of Action, in the sum of FIVE MILLION and no/100 ($5,000,000.00) DOLLARS compensatory damages on the Sixty-third Cause of Action, in the sum of TEN MILLION and no/100 ($10,000,000.00) DOLLARS compensatory damages on the

Sixty-fourth Cause of Action, in the sum of FIVE MILLION and no/100 ($5,000,000.00) DOLLARS compensatory damages on the Sixty-fifth Cause of Action, in the sum of THREE HUNDRED EIGHTY THREE MILLION and no/100 ($383,000,000.00) punitive damages on the Sixty-sixth Cause of Action;

C. judgment against defendants, and each of them, awarding plaintiff the reasonable costs and expenses of this action; and

D. judgment granting plaintiff such other and furthur relief as may be just.

Dated: April 1, 1991

/s/ Frank Pravda

FRANK PRAVDA, Plaintiff

P.O. Box 313

Round Lake, New York

12151-0313

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

- Filed: May 28, 1991

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FRANK PRAVDA,

Plaintiff,

-against-

UNITED STATES OF AMERICA;
STATE OF NEW YORK;
COUNTY OF SARATOGA, N.Y.;
CITY OF SARATOGA SPRINGS, N.Y.;
GEORGE HERBERT WALKER BUSH;
JAMES BOWEN; JOHN M. HOGAN,JR.;
ERNEST GRANT; TIMOTHY GRANT;
JANICE GRANT; JOE DOE; MAX DOE;
JOHN DOE; JACK DOE; JAMES DOE;
RONALD DOE; ROBERT DOE; PHIL DOE;

Defendants.

NOTICE OF MOTION
TO DISMISS
91-CV-378
(JUDGE McAVOY)

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PLEASE TAKE NOTICE, that upon the annexed affidavit of Matthew S. Hogan, Esq., the complaint and the memorandum of law submitted

herewith, the undersigned will move this Court at the United States District Courthouse at 15 Henry Street, Binghamton, New York, on the 28th day of June, 1991, at 10:00 a.m. or as soon thereafter as counsel may be heard, for an order pursuant to Rule 12 (b)(1) and Rule 12(b)(6), dismissing the complaint insofar as it purports to state a claim against John M. Hogan, Jr.

DATED: Saratoga Springs, New York
May 24, 1991

HOGAN, LEE & HOGAN

/s/ Matthew S. Hogan

Matthew S. Hogan
Attorneys for Defendant
John M. Hogan, Jr.
489 Broadway, PO Box 1041
Saratoga Springs, NY 12866
Phone: (518) 587-9000

TO: MR. FRANK PRAVDA

Pro se Plaintiff

PO Box 313

Round Lake, New York 12151-0313

UNITED STATES ATTORNEY

United States District Court

Northern District of New York

ATT.: David Homer, Assistant

United States Attorney

James T. Foley Courthouse & Post Office

PO Box 1037

Albany, New York 12201

ROBERT ABRAMS

Attorney General of the State of New

York

ATT: David B. Roberts, Assistant

Attorney General

The Capitol

Albany, New York 12224

OFFICE OF THE SARATOGA COUNTY ATTORNEY

ATT: Harry W. Seibert, JR., Esq.

18 Front Street

Ballston Spa, New York 12020

OFFICE OF THE CITY OF SARATOGA SPRINGS

ATTORNEY

ATT: Peter A. Tulin, Esq.

480 Broadway

Drawer 1045

Saratoga Springs, New York 12866

Mr. Ernest Grant

Pro se

73 Edie Road

Wilton, New York 12866

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

Filed: May 28, 1991

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FRANK PRAVDA,

Plaintiff,

-against-

UNITED STATES OF AMERICA,
STATE OF NEW YORK,
COUNTY OF SARATOGA, N.Y.,
CITY OF SARATOGA SPRINGS, N.Y.,
GEORGE HERBERT WALKER BUSH,
JAMES BOWEN, JOHN M. HOGAN, JR.,
ERNEST GRANT, TIMOTHY GRANT,
JANICE GRANT, JOE DOE, MAX DOE,
JOHN DOE, JACK DOE, JAMES DOE,
RONALD DOE, ROBERT DOE, PHIL DOE,

Defendants.

AFFIDAVIT TO DISMISS

91-CV-378

(JUDGE McAVOY)

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STATE OF NEW YORK )
) SS.:
COUNTY OF SARATOGA )

MATTHEW S. HOGAN, being duly sworn deposes and says:

1. That I am an attorney at law duly licensed to practice in the State of New York and in the United States District Court, Northern District of New York and a partner in the firm of Hogan, Lee & Hogan, with offices located at 489 Broadway, Saratoga Springs, New York.

2. That I have represented the plaintiff in this matter throughout the action and am familiar with all of the facts involved with the claim.

3. I make this affidavit in order to comply with Rule 10(c) of the General Rules of the Northern District of New York, which requires in part that all motions be supported by affidavit.

4. For reasons set forth in the memorandum of law submitted herewith, the complaint in this action should be dismissed pursuant to Rule 12(b)(1) and Rule 12(b)(6),

insofar as it fails to state a claim or cause of action against the defendant, John M. Hogan, Jr. To the best of my knowledge, information and belief formed after reasonable inquiry the motion is well grounded in fact and is warranted by existing law.

/s/ Matthew S. Hogan

MATTHEW S. HOGAN

Sworn to before me this
24th day of May, 1991

/s/ Jeanne Anne Crooks

NOTARY PUBLIC

JEANNE ANNE CROOKS
Notary Public, State of New York
No. 1787575
Qualified in Saratoga County
Commission Expires Dec. 31, 1991

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

Filed: May 28, 1991

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FRANK PRAVDA,

Plaintiff,

-against-

UNITED STATES OF AMERICA, 91-CV-378

STATE OF NEW YORK, (JUDGE McAVOY)

COUNTY OF SARATOGA, N.Y.,

CITY OF SARATOGA SPRINGS, N.Y.,

GEORGE HERBERT WALKER BUSH,

JAMES BOWEN, JOHN M. HOGAN, JR.,

ERNEST GRANT, TIMOTHY GRANT,

JANICE GRANT, JOE DOE, MAX DOE,

JOHN DOE, JACK DOE, JAMES DOE,

RONALD DOE, ROBERT DOE, PHIL DOE,

Defendants.

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MEMORANDUM OF LAW IN SUPPORT OF

JOHN M. HOGAN, JR.'S MOTION TO DISMISS

The complaint in the above matter was personally served upon John M. Hogan Jr., on May 7, 1991. It purports to state a claim against John M. Hogan, Jr., pursuant to 42 USC Section 1983 and 42 USC Section 1985. For the reasons that follow, the complaint should be dismissed insofar as it purports to state a claim against John M. Hogan, Jr., pursuant to Rule 12(b)10) and Rule 12(b)(6) of the Federal Rules of Civil Procedure.

POINT I

THE PLAINTIFF'S CONCLUSORY ALLEGATIONS OF CONSPIRACY ARE INSUFFICIENT TO STATE A CLAIM UNDER 42 USC SECTIONS 1983 OR 1985

Where a plaintiff alleges a conspiracy to violated his civil rights, it has been well established in this Court that a detailed fact pleading is required to survive a motion to dismiss. Angola v. Civiletti, 666 F2d 1, 4(2d Cir, 1981) (citing Fine v New York, 529 F2d 70, 73 (2d Cir, 1975); Powell v

Workmen's Compensation Board, 327 F2d, 131 133 (2d Cir, 1964); and United States v. Berrios, 501 F2d 1207, 1211-12 (2d Cir, 1974) ). There are nothing but conclusory allegation against John M. Hogan, Jr., that he was part of a conspiracy against the plaintiff. Mr. Hogan is mentioned in paragraphs "13", "99" and "134" of the complaint. That the allegations as set forth the forementioned paragraphs fail to meet the pleading requirements of Angola.

"Complaints relying on the civil rights statues are insufficient unless they contain some specific allegation of fact ..., instead of a litany of general conclusions that shock but have no meaning". Rigby v Coughlin, 730 F Supp 1196, 1200 (NDNY, 1990). In all of the allegation against Mr. Hogan, plaintiff concludes that Mr. Hogan was a part of the alleged conspiracy solely from the fact the he represented defendant Earnst Grant.

## POINT II

## PLAINTIFF DOES NOT MEET THE STATUTORY REQUIREMENTS OF 42 USC SECTION 1985.

In order to state a cause of action under 42 USC Section 1985 the plaintiff must plead and prove:

(1) a conspiracy;

(2) for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws;

(3) as act in furtherance of the conspiracy;

(4) whereby a person is either injured in his person or property or deprived of any right or privilege of a citizen of the United States.

United Brotherhood of Carpenters & Joiners of America V Scott, 463 US 825, 828-29 (1983)

(citing Griffin v Breckenridge, 403 US 88, 102-103 (1971) ).

That the plaintiff has failed to meet of the requirements of 42 USC Section 1985. As stated in POINT I the plaintiff has failed to prove that a John M. Hogan, Jr., was a part of the alleged conspiracy.

"To state a cause of action under section 1985(3) the law requires prejudice against a class qua class. The allegation stated in the complaint show a dispute over ownership of a tract of land, with no prejudice against a class of people. The class must be "well defined" and be "a traditionally disadvantaged group" Orshan v Anker, 489 F Supp 820, 823 (SDNY, 1980) (citing Santiago v City of Philadelphia, 43 F Supp 136, 156 (ED Pa, 1977) ). That through out plaintiff's pleadings he fails to establish himself as a class within the protect of 42 USC 1985.

Furthermore, the plaintiff fails to

allege any act by John M. Hogan, Jr. in fortherance of the alleged conspiracy. Plaintiff's only allegation was that "JOHN M. HOGAN, JR., wrongfully informed defendant EARNST GRANT that he has legal rights to the property of Pravda which advice inflamed the passions of the defendants GRANTS who them injured plaintiff to further the objectives of the conspiracy. Such conclusory allegations are insufficient to state a cause of action pursuant to 42 USC Section 1985(3)

CONCLUSION

FOR THE FOREGOING REASONS, THE COMPLAINT SHOULD BE DISMISSED PURSUANT TO RULE 12(B)(1) AND 12(B)(6), INSOFAR AS IT FAILS TO STATE A CAUSE OF ACTION AGAINST JOHN M. HOGAN, JR.

DATED: Saratoga Springs, New York
May 24, 1991

HOGAN, LEE & HOGAN

/s/ Matthew S. Hogan

Matthew S. Hogan
Attorneys for Defendant
John M. Hogan, Jr.
489 Broadway, PO Box 1041
Saratoga Springs, NY 12866
Phone: (518) 587-9000

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

Filed: July 29, 1991

Case Number 91 - CV - 0378 TJM

PLAINTIFF'S AFFIDAVIT IN OPPOSITION TO DEFENDANT JOHN M. HOGAN, JR'S MOTION TO DISMISS

FRANK PRAVDA,

Plaintiff,

-against-

UNITED STATES OF AMERICA,
STATE OF NEW YORK,
COUNTY OF SARATOGA, N.Y.,
CITY OF SARATOGA SPRINGS, N.Y.,
GEORGE HERBERT WALKER BUSH,
JAMES BOWEN, JOHN M. HOGAN, JR.,
ERNEST GRANT, TIMOTHY GRANT,
JANICE GRANT, JOE DOE, MAX DOE,
JOHN DOE, JACK DOE, JAMES DOE,
RONALD DOE, ROBERT DOE, PHIL DOE,

Defendants.

STATE OF NEW YORK )
) SS.:
COUNTY OF SARATOGA )

FRANK PRAVDA, being duly sworn, deposes and says:

1. That I am the plaintiff in the above entitled action.

2. That I am prepared to amend my complaint as soon as I am able to do so.

3. That the conspiracy is a continuing activity with a large number of events and objectives in which the various defendants have participated in some of the events complained of directly and personally, and in some by virtue of the defendants relationship to the ongoing conspiracy.

4. That this affidavit and the attached Memorandum of Law, are made in opposition to the motion by Defendant John M. Hogan, Jr., pursuant to Rule 12 (b)-(1)(6) of the F.R.C.P. dismissing the Plaintiff's complaint insofar as it purports to state a claim

against defendant John M. Hogan, Jr.

5. My health is impaired from the wrongdoings of defendants described in the complaint ; which at times renders me bedridden for most of the day when spells of severe pain strike me as occurred for a few days this past June. This is only aspect of the disabilities I experience as a result of the wrongs done me by defendants. I have been occupied, as I am able, to seek to recover from these injuries; but now feel that I will never recover fully from the injuries I sustained at the hands of defendants during the operation of this conspiracy which continues on its path of injury.

6. I am familiar with the facts and circumstances of this action by virtue of having personally experienced the wrongdoings described in my complaint that I have written and presented to the court; and through my personal efforts in prosecuting this action without significant outside assistance other

than that of the process server as required by law.

7. Paragraph 2 of the affidavit of Matthew S. Hogan is false and I discern the affidavit to be a sham. Said affidavit of Matthew S. Hogan was allegedly submitted in support of defendant John M. Hogan Jr.,'s alleged motion to dismiss. I see no proof on the record that defendant John M. Hogan Jr. is represented by counsel.

8. Crucial information is within the exclusive knowledge of defendant John M. Hogan Jr. and furthur discovery is desired and will be productive.

9. I reaffirm my complaint and expect to expand and extend it.

10. Because of the nature of my injuries and the horror of my experiences at the hands of most of the named defendants and other co-conspirators I have not been able to more fully recall facts relevant to this case at this time. The horror of it all boggles

my mind at times to the extent of seriously hampering my progress on the prosecution of the case.

11. I have made a diligent effort, and continue to do so, to prosecute my case in Court; and find this case is, by its very nature, extremely complicated and time-consuming. I have virtually no assistance and find it humanly impossible to handle the case within the time periods allotted because of this and my impaired health.

12. I am also obstructed by the continuing operation of the conspiracy; and it is already apparent that discovery proceedings will be extensive, complicated and lengthy.

13. I believe I have stated claims upon which relief can be granted as to all the claims in my complaint.

14. I was educated in the Public Schools of this Nation and graduated from Public High School; none of which had a law library, nor

taught me a course in any kind of law. In said Public Schools I was taught to read, write, speak and understand the English language; the dominant language in this Nation, and the operative language of the legal system, legislative system, executive system herein. I was taught that this Nation respects private property, protects individual rights, practices human rights protection; which I have experienced to be untrue.

15. I do not have a law library and must rely on Public Law Libraries to find and study the law; and I find them few and far between; many times tucked away behind other offices, inadequately staffed, equipped, incomplete in content, with important books missing or unavailable.

16. Over a period of many years I have unraveled many of the mysteries and mystic of the law by spending much time reading and discovering and thinking in law libraries as

well as in Public Libraries and select other "think tanks"; and find that there is as often as not, a lack of unanimity regarding the meaning of the law despite the fact that the law under view is simply written; as though the simple meaning were meaningless, and that the principle of 'each man for himself' as to the interpretation were the rule of reason applicable to the interpretation of the law.

17. I have had no formal education in the law, but I have made a considerable effort to read, study, and understand the law and have spent many hours in law libraries, sometimes not easily reached, and studying law books to apply the law to the case at bar.

18. I have also found that the law has a language of its own; which language is also subject of much debate regarding its true meaning. I have predicated my case on the language of the law as understood within the framework of Public School education.

19. I have made a reasonable inquiry into the law and my facts, attached memorandum of law and other papers submitted thus far demonstrates why as a matter of law defendant John M. Hogan Jr.'s alleged motion to dismiss should be denied in its entirety.

20. Attorney defendant John M. Hogan Jr.'s law office is located in proximity to the defendant City of Saratoga Springs, N.Y. owned Torture Chamber where I was tortured as described in my complaint.

21. Prior to the onset of the conspiracy against me I freely lived on, entered on, left from the Pravda property where a number of the events complained of took place.

22. As I described in the complaint defendant Janice Grant drove me off of Pravda property at gunpoint. After than defendant Timothy Grant displayed a gun when he saw me approach said Pravda property while I was still on Ingersol Road, a public roadway. Defendant Janice Grant pointed a gun at me a

second time while I was on this same public roadway near said Pravda property.

23. During the time period referred to in paragraph 22 of this affidavit defendant Ernest Grant was repeatedly seen by me on said Pravda property in the company of defendant Timothy Grant and/or defendant Janice Grant and/or with others; as well as seen alone thereon.

24. On said Pravda property I had my abode in a house where I had most of my personal belongings including legal documents and information pertinent to this litigation, and when I was driven from there at gunpoint I was not only deprived of my abode but also of my belongings; and where I was prevented at gunpoint from reentering.

25. During the time period referred to in foregoing paragraph 22 supra I was asked to appear at a certain law office in Clifton Park, New York where a lawyer named Karen Gazda informed me that I would appear as a

witness at a trial in a litigation involving defendant Ernest Grant after she handed me a subpoena to appear, and she also made a statement that defendant Ernest Grant was being represented by defendant attorney John M. Hogan, Jr. at said trial.

26. When I was handed the subpoena referred to in foregoing paragraph 25 I did not have access to information in my personal papers that might have been relevant to the case being tried and to which I might testify; because my personal papers were being held by defendants Grants referred to in foregoing paragraph 22 supra.

27. Mention was also made in the course of the matters referred to in foregoing paragraph 25 that defendant John M. Hogan, Jr., while acting as attorney for defendant Ernest Grant and others, threatened protracted and furthur legal actions relating to the subject Pravda property unless a deal were struck giving defendant Ernest Grant and

others a portion of said Pravda property in settlement of said lawsuit.

28. Soon after I received the subpoena referred to in foregoing paragraph 25 supra I was told I would not have to appear at the trial relating to the subject property of Pravda since a deal had been struck, through defendant attorney John M. Hogan, Jr., in settlement of the lawsuit referred to in foregoing paragraph 25 supra; which involved giving defendant Ernest Grant and others a portion of said Pravda property for their own.

29. I have seen records on file in the County of Saratoga, New York Clerk's office in the County Administration Building One on McMaster Street in Ballston Spa, New York that show that defendant John M. Hogan, Jr. was the attorney representing a number of people including defendant Ernest Grant in lawsuits involving the subject Pravda property referred to in the complaint and foregoing paragraph 22 supra.

30. I also know about a long term dispute the former owner of the subject Pravda property had with defendant City of Saratoga Springs, New York as well as the former owner's disputes with lawyers he had retained to handle the dispute with said defendant city, and I have seen some records of this on file at the Clerk's office referred to in the foregoing paragraph 29.

31, I have also seen records on file at the place referred to in foregoing paragraph 29 supra, that show that a Judge sitting at the bar on one of the said lawsuits purchased a large parcel of land in the territorial area of his court's jurisdiction from one of the largest realestate developers functioning on land in the same said area of said Judge's Court's jurisdiction; and which said records also showed that this same said parcel of land had a sales contract relating to it that involved its sale to another major realestate developer functioning in the said

area of said Judge's Court's jurisdiction.

32. I have also seen records on file at the place referred to in foregoing paragraph 29 supra that show that the first named real-estate developer was involved in lawsuits in local court having the same territorial area of jurisdiction referred to in paragraph 31 supra.

33. I have seen in the 1990-1991 NYNEX YELLOW PAGES Saratoga Springs and White Pages for Saratoga Springs, Ballston Spa, Cambridge, Greenwich Area, Area Code 518; an advertisement under the heading "LAWYERS" in the "NYNEX Yellow Pages" section at the back part of the said Official Directory on page 144 showing a John M. Hogan, Jr. as a member of the law firm of "HOGAN & LEE" located at 489 Broadway, Saratoga Springs, N.Y. describing their field of law as "TRIAL & GENERAL PRACTICE" and listing thereunder "PERSONAL INJURY & ACCIDENT, WRONGFUL DEATH, REAL ESTATE, WILLS & ESTATES, MATRIMONIAL,

BUSINESS LAW, CRIMINAL" and thereafter that "PRACTICE IN ALL STATE & FEDERAL COURTS": and also furthur along in said Directory Yellow Pages in the "Lawyers" section on pages 147-148 in a subsection marked "GUIDE OF LAWYERS ARRANGED BY PRACTICE" I have seen advertisements for said "Hogan & Lee" showing them located at "489 Broadway, Saratoga Springs -- 587-9000 (phone number) and listed under the subheadings of "ACCIDENTS-PERSONAL INJURY, PROPERTY DAMAGE, CRIMINAL LAW, ESTATE PLANNING & ADMINISTRATION, PRODUCT LIABILITY, REAL PROPERTY LAW, TRIAL PRACTICE". In the "White Pages Saratoga Springs" section of said Official Directory of New York Telephone I have seen John M. Hogan, Jr. listed as a lawyer at 489 Broadway with a phone number of 587-9000.

34. I have seen the name on the window at 489 Broadway, Saratoga Springs, New York as "HOGAN & LEE".

35. I have seen in the Capital District

Area, Albany, Rensselaer, Saratoga, and Schenectady Counties Telephone Directory Area Code 518, Use thru May 1992; Published by TransWestern Publishing A U S WEST DIVISION; an advertisement under the heading "Lawyers" in the "CAPITAL DISTRICT AREA YELLOW PAGES" section at the back part of said Directory on page 315 showing John M. Hogan, Jr. as a member of a law firm of "HOGAN & LEE & HOGAN" located at 489 BROADWAY, SARATOGA SPRINGS, N.Y. describing their field of law in an identically structured advertisement as referred to in paragraph 33 of this affidavit and designated on page 144 of said "NYNEX Yellow Pages"; and also furthur along in said Capital District Area Directory Yellow Pages in the "Lawyers" section on pages 322-325 in a subsection marked "GUIDE LAWYERS GROUPED BY FIELDS OF LAW" I have seen advertisements for said "Hogan & Lee & Hogan" designating them as located at 489 Broadway Sartga Springs --- 587-9000 . and listed under the

subheadings similar to those described and listed in aforementioned "NYNEX YELLOW PAGES" on pages 147-148 related in foregoing paragraph 33 supra. In addition to said listing I have seen advertisements in said "GUIDE LAWYERS GROUPED BY FIELDS OF LAW" for said - "HOGAN & LEE & HOGAN" under the subheadings of "Vehicle & Traffic Law, Corporation Partnership & Business Law, Landlord & Tenant, Wills Trusts & Probate Estates". In the "BUSINESS PAGES" section of said Capital District Area Telephone Directory said "HOGAN & LEE & HOGAN" is listed as similarly situated, and a John M. Hogan, Jr. is listed as a lawyer at the same address; and furthur along in the "RESIDENTIAL PAGES" a John M. Hogan, Jr. is listed as a lawyer at the same address as the law firm of "HOGAN & LEE & HOGAN".

36. I have experience and found evidence of jury rigging and trial rigging in New York State.

37. In addition to the numerous fields of law referred to in foregoing paragraph 36 cited for "HOGAN & LEE & HOGAN" there is listed "General Practice" under said sub-headings of said Capital District Area Telephone Directory where said "HOGAN & LEE & HOGAN" are also listed indicating to me that said firm will handle every conceivable legal matter.

38. My prosecution of this action is in its infancy and I have not been able to conduct any formal discovery with regard to the actions of defendant John M. Hogan, Jr.'s participation in the conspiracy.

39. Defendant John M. Hogan Jr.'s law practice is located in the defendant City of Saratoga Springs, New York close to the City Hall therein.

40. This affidavit and accompanying memorandum of law are submitted in accordance with Rule 10(c) of the General Rules of the United States District Court Northern

District.

41, I have examined the paper titled "MEMORANDUM OF LAW IN SUPPORT OF JOHN M. HOGAN, JR.'S MOTION TO DISMISS" and find it virtually identical to memorandum submitted on behalf and pro se by several other defendants which demonstrates to me their willingness to conspire and have a common bond of deep trust amongst them. I find that there is no Rule 12(b)(10) as referred to in the subject memorandum.

42. Based on the foregoing and upon my attached "ANSWERING MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT JOHN M. HOGAN, JR'S MOTION TO DISMISS" I have come to the reasoned conclusion that defendant John M. Hogan, Jr.'s motion to dismiss is not not entitled to have said motion affirmed by the Court as a matter of law.

WHEREFORE, the plaintiff, FRANK PRAVDA, your deponent respectfully requests that the motion by defendant John M. Hogan, Jr. to

dismiss the complaint insofar as it purports to state a claim against John M. Hogan, Jr. be denied.

/s/ Frank Pravda

FRANK PRAVDA, Plaintiff

P.O. Box 313

Round Lake, New York 12151-0313

Sworn to before me this

26 day of July, 1991

/s/ Barbara Capasso

Notary Public of the State of New York

BARBARA CAPASSO

# 4820159

Notary Public, State of New York

Residing in Saratoga County

My Commission Expires 5/31 1992

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

Filed: July 29, 1991

Case Number 91 - CV - 0378 TJM

PLAINTIFF'S ANSWERING MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT JOHN M. HOGAN, JR'S MOTION TO DISMISS

FRANK PRAVDA,

Plaintiff,

-against-

UNITED STATES OF AMERICA,
STATE OF NEW YORK,
COUNTY OF SARATOGA, N.Y.,
CITY OF SARATOGA SPRINGS, N.Y.,
GEORGE HERBERT WALKER BUSH,
JAMES BOWEN, JOHN M. HOGAN, JR.,
ERNEST GRANT, TIMOTHY GRANT,
JANICE GRANT, JOE DOE, MAX DOE,
JOHN DOE, JACK DOE, JAMES DOE,
RONALD DOE, ROBERT DOE, PHIL DOE,

Defendants .

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MEMORANDUM OF LAW

POINT 1.

As a Matter of Law the Court Must Refuse to Consider the Motion Allegedly submitted on behalf of defendant John M. Hogan, Jr.

Plaintiff submits for Judicial Notice that it is Tacit Law that a paper that contains misrepresentations and falsehood is not acceptable for what it purports to be as a document.

There is buried within the papers submitted by Matthew S. Hogan an assumption that Matthew S. Hogan represents defendant John M. Hogan, Jr. in this action.

An affidavit that contains one falsehood cannot be taken to be truthful as to other statements it contains. The affidavit submitted by Matthew S. Hogan contains the

falsehood that he represents Plaintiff in this action. Therefore the affidavit of Matthew S. Hogan on its face as a whole is a sham. See. Pentecostal Holiness Church, Inc. v. Mauney, Fla. App., 270 So. 2d 762, 769; wherein the Court held that "Sham pleadings are those which are inherently false and must have been known by the interposing party to be untrue." On the same basis that sham pleadings are striken; sham motions must not be entertained by the Court as a matter of law.

Implicit in the signing of a memorandum of law is authorship of that memorandum by the person who signed it. An issue raised by Plaintiff is whether Matthew S. Hogan is, in fact, the author of the memorandum he signed. See. Plaintiff's Affidavit in Opposition to defendant John M. Hogan, Jr's Motion to Dismiss , paragraph 41.

It is implicit in the requirement of rule 10(c) of this Court; requiring that the submission of the Memorandum of Law be

accompanied by an affidavit; that the one cannot be considered apart from the other. In a recent decision in a Chicago area court the Judge rejected a brief submitted by an attorney because he found it to be largely the work of a computer; apparently on the theory that a computer cannot make an appearance to "argue" the law, at least not in this day and age. The memorandum of law allegedly submitted on behalf of defendant John M. Hogan, Jr. has all the appearance, when considered in light of virtually identical submissions by other defendants, of such a similar situation, Citation Omitted.

The formulated legal theory allegedly advanced on behalf of defendant John M. Hogan, Jr. in support of alleged motion to dismiss of said defendant thus becomes meaningless as a matter of law by virtue of the sham nature of its companion submission. The subject motion thus is a sham on its face.

The subject submissions of Matthew S.

Hogan do not meet the requirements of rule 10(c) of this Court and must not be considered and motion to dismiss must accordingly be refused or in the alternative be denied.

POINT 2.

The Supreme Law of the Land Requires that Plaintiff has the Right to an Effective Remedy for his Case in a National Tribunal

International law is the Supreme Law of the Land with respect to Human Rights as expressed in the international instrument of the United Nations titled "The International Bill of Human Rights". Article 8 of the "Universal Declaration of Human Rights" of said instrument states "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the

constitution or by law". The United States is a member of the United Nations and is bound oath and agreement to uphold the intent and spirit of this instrument.

A considerable number of the vast numbers of Human Rights instruments generated in the United Nations were sponsored and supported strongly by the United States. See. Human Rights, A Compilation of International Instruments of the United Nations. by United Nations, N.Y., N.Y. See. Harvard Law Review, Vol. 104:1269 pp. 1270-1.

The Superior Law applicable to the case at bar is the said International Bill of Human Rights which was adopted and proclaimed by the United Nations General Assembly, of which the United States is a Charter Member, resolution 217 A (III) of 10 December 1948. See. Human Rights, A Compilation of International Instruments of the United Nations, supra p.1.

The subject international law operating

within the United States as the Supreme Law of the Land is in agreement in language with statutory law under discussion relating to violation of civil rights damaging an individual; while the point of departure is with some of the case law regarding the subject statutory law. As years have passed the case law continued and continues to expand to approach agreement found in the language of the two subject bodies of law. In this connection it is common knowledge that the United States Supreme Court has reversed its views on critical issues from time to time. This most aptly illustrated by former Chief Justice Earl Warren who stated, upon his retirement, he did not "see how a man could be on the Court and not change his views substantally over a period of years ,." Constitutional Scholar Lawrence Tribe quoting Warren in God save this Honorable Court by Tribe. The International Bill of Human Rights over the decades has taken on meaning of a

world standard for civilized conduct and law, which United States Officialdom frequently cite as law.

Therefore, international law as expressed in Article 8 of The International Bill of Human Rights, being a part of The Supreme Law of the Land, bars dismissal of this action on jurisdictional grounds, or on grounds that there exists no applicable national law outside the Constitution itself.

POINT 3.

The Civil Rights Act, Title 42 of the United States Code, Sections 1983, 1985 (2) (3) is Applicable to Plaintiff's Action giving him a Remedy in Federal Court.

The intent of the Congress that passed the original Civil Rights Act that is the parent of the current Codified Civil Rights Statute is an indeterminate and as such is an invalid

basis for deriving an understanding of the meaning of the subject Civil Rights Statute.

The subject Civil Rights Act was passed by Congress by a process of the summation of individual votes without any requirement that the vote be accompanied by an affirmation of support for an inferred unwritten intent behind the bill's passage. Each voter was voting on the subject Act as he or she found the title and language of the measure. Each and every member of Congress sees in a piece of legislation how it will or will not serve the interests of the people in his or her own district, and in doing so he or she reads the language of the bill and votes on that basis, which is why the wording of a bill is often a matter of extensive debate before it can be brought to a vote.

An argument from speculative premises; however well chosen, that the intent of the Congress in passing a particular bill is proven by certain statements of its sponsors

or certain statements made during congressional debates, would be received with surprise by the people of this Nation and by all knowledgeable politicians and scholars who know their own history. The customs and opinions of modern civilization have recognized certain modes of expressing the intent of legislation and such modes are directed towards written expressions within the language of the legislation.

Unless and until it can be shown that the intent of Congress down to the individual is what is given as the "intent" recited in the case law by defendant in his alleged memorandum of law then it must fail. Every single piece of legislation passing through Congress is passed on language and on language alone; not on intent. A measure is submitted on the intent of its sponsors to achieve a certain goal; while each and every person who votes on it foresees in the ultimate "wording" or "language" of the

passed bill a goal in line with his or her personal "intent" for voting in favor of it. That is in the nature of the human character.

Customary international law, as customs and usages of civilized nations, mandates that plaintiff have a remedy in Federal Court for violations of his Constitutional Rights and injuries he received.

Plaintiff alleges in his Complaint that on or about April 22, 1988, the defendants named therein formed a conspiracy, the purpose of which was, and continues to be, to deprive him of the equal protection of the law and of the privileges and immunities granted to him under the laws and the Constitution of the United States of America and the State of New York. See. Complaint, paragraph 5. "Conspiracy in this context means that the co-conspirators must have agreed, at least tacitly, to commit acts which will deprive plaintiff of equal protection of the law." See. Santiago v. City

of Philadelphia, 435 F. Supp 136 (1977). Plaintiff herein recites in his complaint numerous acts of defendants in furthurence of said conspiracy. See. Complaint. Plaintiff has adequately alleged a Section 1985 conspiracy; by virtue of the substance of the allegations and the reasonable inference that a tacit agreement among the named defendants exists as to the described conspiracy. See. 16 Am Jur 2d § 20, Conspiracy. Plaintiff furthur alleges in his complaint that the defendants' actions are motivated by defendants' class based animus towards plaintiff as a citizen of an earlier generation. See. Complaint, paragraphs 5, 33, 138; and by discriminatory animus towards plaintiff because he belonged to a class of citizens of Eastern European Descent. See. Complaint , paragraph 45. These motives as operative within the context of such a pervasive complex conspiracy operating against are sufficient to meet the requirements of a

Section 1985 (3) claim. Furthur questions regarding the motivation of defendants is anticipated during discovery in view of the difficulties of the case law in this area and in light of the statements made by certain defendants during the course of the conspiracy. As stated under Point 2 on page 4 there is a point of departure between the Supreme Law of the Land and the subject statutory law. Case law relating to the subject statute requires that defendants' actions must be motivated by discriminatory animus. See. Santiago v. City of Philadelphia, Supra. Case law must properly be modified to conform to the International law for reasons stated under Point 2.

POINT 4.

Defendant John M. Hogan, Jr. is one of the Conspirators in the Conspiracy Described in Plaintiff's Complaint.

John M. Hogan, Jr. is a legitimate defendant in this action as demonstrated in the complaint of plaintiff, as amplified by the plaintiff's associated affidavit.

Plaintiff alleges that "defendant JOHN M. HOGAN, JR. was attorney for defendant ERNEST GRANT & other unnamed co-conspirators; ..." See. Complaint, paragraph 11 "At all times pertinent to this complaint "; and ".. was instrumental in the furtherance of the conspiracy by advising them that they had the right to do as they pleased on the property of Pravda; such advise being contrary to law. Defendant JOHN M. HOGAN JR. wrongfully informed defendant ERNEST GRANT that he had legal rights to the property of Pravda which advise inflamed the passions of defendants GRANTS who then who then injured plaintiff to furthur the objectives of the conspiracy." See. Complaint, paragraphs 11, 13.

Plaintiff furthur alleges that "This confederacy between said named defendants was

expanded and extended as time passed to include others who elected to join in the wrongs aimed at plaintiff. Defendant JOHN M. HOGAN, JR. was said to have advised defendants GRANT GANG that they could do as they pleased on said Pravda land." See. Complaint, paragraph 99.

Plaintiff also alleges that "Defendant, ERNEST GRANT, wearing the official uniform, insignia and gold colored badge of the defendant STATE OF NEW YORK entered upon the property of Pravda for the purpose of furthering the objectives of the subject conspiracy as set forth herein, and thereon frequently met with co-defendants TIMOTHY GRANT, JANICE GRANT and other unnamed co-conspirators." See. Complaint, paragraph 10. A lately arrived memorandum of law by a DAVID B. ROBERTS, identified as Assistant Attorney General, of Counsel, Attorney for State Defendants, contains a footnote (1) "The complaint also alleges that one of the

defendants, Ernest Grant, 'was a special police officer of defendant State of New York. Complaint, par 11. A quick check with the personnel department of the Division of State Police indicated that nobody by that name is or was employed by the State Police." This statement in the context of a memorandum of law rather than in an affidavit is a puzzle; as is the context of the statement; which is mentioned here as being the only known statement from any defendants regarding defendant Ernest Grant's activities and duties in uniform. See. Memorandum of Law in Support of State of New York's Motion to Dismiss by David B. Roberts, pg.3 May 17, 1991. Plaintiff will submit papers in opposition to said State of New York's Motion as soon as he is able to do so.

Without burdening the Court with a repetition of the Complaint here; it is fair to say that in said complaint Plaintiff alleges, in meaningful detail, acts of

defendants in furtherance of the conspiracy and the damages that plaintiff has sustained therefrom and the relief he seeks from this Court. See. Complaint, generally. Plaintiff's complaint has met the pleading requirements of the Federal Rules of Civil Procedure in that "...all the Rules require is 'a short and plain statement of the claim' that will give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests ...." See. Arthur H. Richland Company v. Harper, 302 F. 2d 324 (1962) (citing Conley v. Gibson, 1957, 355 U.S. 41, 47, 78 S. Ct. 99, 2 L. Ed. 2d 80. See also Smoot v. State Farm Mutual Auto Ins. Co. 5 Cir., 1962, 299 F. 2d 525.)

The complaint along with plaintiff's affidavit in opposition to defendant John M. Hogan, Jr.'s Motion to Dismiss shows that it is reasonable to infer at this stage of the proceedings that a tacit agreement among the defendants exists, at the very least, forming

the conspiracy and implementing it as described therein. See. Santiago v. City of Philadelphia, Supra; 16 Am Jur 2d § 20, Supra., Conspiracy.

POINT 6

The Alleged Memorandum of Law by Matthew S. Hogan dated May 24, 1991 is Designed to Promote Confusion.

The Matthew S. Hogan memorandum of law dated May 24, 1991 commenses by stating the authority for Matthew S. Hogan's conclusion that "the complaint should be dismissed" on a nonexistent Rule of the Federal Rules of Civil Procedure - a Rule 12 (b) 10). See. Fed. Rules Civ. Proc., 28 U.S.C.A.; as well as on an existent Rule 12 (b) (6).

Therefore, said memorandum by Matthew S. Hogan starts off by promoting confusion as to his foundation authority for bringing the motion to dismiss and his conclusion that

"the complaint should be dismissed".

The subject memorandum by Matthew S. Hogan then proceeds to its "POINT I" Conclusion that "THE PLAINTIFF'S CONCLUSARY ALLEGATIONS OF CONSPIRACY ARE INSUFFICIENT TO STATE A CLAIM UNDER 42 USC SECTIONS 1983 OR 1985"

Then the subject memorandum states "... it has been well established in this Court that a detailed fact pleading is required to survive a motion to dismiss." (emphasis added); in a case" Where a plaintiff alleges a conspiracy to violated (violate) his (or her) civil rights, ...): and relies for his authority for this assertion on Angola, supra. and other citations contained in Angola. In the Angola decision the Court ( United States Court of Appeals, Second Circuit ) ruled that there is an exception to F.R.C.P. Rule 8 (a)(2) which pertinent part states "...(a) Claims for Relief. A pleading which sets forth a claim for relief, whether an original

claim,...., shall contain (2) a short and plain statement of the claim showing that the pleader is entitled to relief, ..."; and that exception is applicable to a specific fact situation in Angola. Said Court then proceeds to ignore that exception by reversing and remanding to the Court below the decision of Court below dismissing the complaint on grounds of that plaintiff's failure to plead facts sufficient to support her claim. That reversal and remanding was based on the work of renowned attorney William M. Kunstler, New York City (Margaret L. Ratner, Randolph McLaughlin, and Michael D. Ratner, New York City, and C. Vernon Mason, New York City, on the brief), for plaintiff-appellant.

There is an inherent danger in making an exception to such a fundamental rule solely to create an informational decision as the Second Circuit Court apparently has done, which result is demonstrated in the matter at bar; that the exception is soon cited and

then taken as being the rule, when in fact it is not. See. Angola v. Civiletti, supra, 666 F. 2d 1 (1981)

Despite this, as a matter of fact, plaintiff has pleaded details of the wrongdoing of defendants that have caused him injury as he has demonstrated in his complaint and memorandum of law and associated affidavit.

Then alleged attorney Matthew S. Hogan puts forth his "bombshell" confusion in ssid memorandum of his by stating: "There are nothing but conclusory allegation against John M. Hogan, Jr., that he was part of a conspiracy against the plaintiff. Mr. Hogan is menitoned in paragraphs "13, "99" and "134" of the complaint. That the allegations as set forth the forementioned paragraphs fail to meet the pleading requirements of Angola." The fact is there are no "pleading requirements of Angola." as alleged attorney Matthew S. Hogan would like the Court to believe. See. Fed. Rules Civ. Proc., Rule 8

(a)(2), 28 U.S.C.A. ; Angola v. Civiletti, Supra. Pleading requirements are spelled out in the Federal Rules of Civil Procedure; which are promulgated by the Supreme Court of the United States; and not Angola as alleged attorney Matthew S. Hogan alleges. He continues with statements that offend reason: " Complaints relying on the civil rights statutes are insufficient unless they contain some specific allegation of fact ...., instead of a litany of general conclusions that shock but have no meaning"; and then he proceeds to demonstrate that his authority is not applicable, if accepted as true, by stating that " In all of the allegations against Mr. Hogan ( assuming defendant John M. Hogan, Jr.) ... from the fact the (that) he represented defendant Earnst (Ernest) Grant." ( emphasis added ) Therefore, Matthew S. Hogan has failed to argue successfully that his conclusion is valid under POINT I of

his alleged memorandum of law.

Said memorandum then continues on to recite Matthew S. Hogan's "POINT II" conclusion that "PLAINTIFF DOES NOT MEET THE STATUTORY REQUIREMENTS OF 42 USC SECTION 1985.

The subject Memorandum then proceeds to recite the falsehood that "In order to state a cause of action under 42 USC Section 1985 the plaintiff must plead and prove : ..." followed by a listing of 4 phrases numbered 1 through 4, and thereafter a space separated paragraph listing two cases thus "United Brotherhood of Carpenters & Joiners of America V Scott, 463 US 825, 828-29 (1983) (citing Griffin v Breckenridge, 403 US 88, 102-103 (1971) ); without stating whether they are meant to relate to what went before or not, or whatever. The memorandum thus takes on the character of a muddled chaotic mass of statements and words.

Looking to the just mentioned case of Griffin, in section designated as IV a four

paragraph standard is recited to define the requirements for establishing a cause of action under section 1985(3) (Title 42 of the United States Code) only. This standard is: " To come within the legislation a complaint must allege that the defendants did (1) 'conspire or go in disguise on the highway or on the premises of another' (2) ' for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws.' It must then assert that one or more of the conspirators (3) did, or caused to be done, 'any act in furtherance of the object of (the) conspiracy,' whereby another was (4a) 'injured in his person or property' or (4b) 'deprived of having and exercising any right or privilege of a citizen of the United States.' " See. Griffin v. Breckenridge, 403 US 88, 29 L. Ed. 2d 338, 91 S. Ct. 1790.

It is obvious that the Griffin standard

is not in any way in agreement with the falsehoods made by Matthew S. Hogan as herein exposed.

In the middle of the recitals of ssid memorandum (unnumbered) POINT II page the statement is made "That the plaintiff has failed to meet of the requirements of 42 USC Section 1985." This naked statement indicates to Plaintiff that the subject memorandum was made by a primitive automaton rather than by its alleged author. It also demonstrates how tightly the conspirators are bound together that so many of them have such faith in its - the conspiracy - power base that they blindly use the same slezy memorandom of law structure among them in their alleged individual motion papers in this court.

Then the confusing statement as well as false statement is made that " As stated in POINT I the plaintiff has failed to prove that a John M. Hogan, Jr., was a part of the

alleged conspiracy." No such statement appears in POINT I.

Next a double space separate paragraph begins with " To state a cause of action under section 1985(3) the law requires prejudice against a class qua class." What this means is anybody's guess. Then said memorandum recites the falsehood that " The allegation stated in the complaint show a dispute over ownership of a tract of land, with no prejudice against a class of people." ; followed by " The class must be 'well defined' and be 'a traditionally disadvantaged group' ". This muddled series of statements by a person claiming to be their author and an attorney at law "duly licensed to practice in the State of New York" reflects adversely on the legal profession; suffice it to say.

The final page of said alleged memorandum of law continues in the same fashion: " That through out plaintiff's pleadings he

fails to establish himself as a class within the protect of 42 USC 1985." Plaintiff's pleadings are not completed as plaintiff expects to amend his complaint to include further details and facts that bear on Section 1985 (2) causes of action; which envisions further claims under said section and do not need a statement of the existence of class-based animus behind the wrongdoings against the plaintiff to withstand a motion to dismiss. See. Kush v. Rutledge, 460 U.S. 719, 75 L. Ed. 2d 413, 103 S. Ct. 1483

Plaintiff has already stated causes of action under Section 1985 (2); where a part of the subject conspiracy was and is to obstruct the course of justice in state courts. See. Complaint; Kush v. Rutledge, supra.; 16 Am. Jur. 2d, Conspiracy; Plaintiff's Affidavit in Opposition to Defendant John M. Hogan, Jr.'s Motion to Dismiss; Keating v. Carey, 706 F. 2d 377 (1983) 385

Defendant John M. Hogan, Jr. is also a conspirator under the provisions of companion section 1986 of Title 42 United States Code; by virtue of his inferred knowledge of the conspiracy and his known ability via his presence in State courts involving defendants Ernest Grant and others relating to the subject Pravda property to undertake therein measures to prevent deprivations and violations of Plaintiff's constitutional rights. See. Santiago v. City of Philadelphia, Supra, 156; Complaint; Plaintiff's Affidavit in Opposition to Defendant John M. Hogan, Jr.'s Motion to Dismiss; 16 Am. Jur. 2d § 20, Conspiracy.

Matthew S. Hogan flaunts the meaning of "reason" by his "CONCLUSION" in his alleged memorandum of law by stating "FOR THE FOREGOING REASONS, THE COMPLAINT SHOULD BE DISMISSED PURSUANT TO RULE 12(B)(1) AND 12(B)(6), INSOFAR AS IT FAILS TO STATE A CAUSE OF ACTION AGAINST JOHN M. HOGAN, JR."

The alleged subject memorandum of law is a sham for the many reasons given herein and obvious on its face, and by signing such a paper Matthew S. Hogan has violated Rule 11, F.R.C.P. relating to 'Pleadings and Motions' and sanctions are appropriate.

CONCLUSION

From the foregoing, it is readily apparent that the Plaintiff, Frank Pravda, has supported his claims against Defendant John M. Hogan, Jr.

The Plaintiff has stated a claim upon which relief can be granted based on the Supreme Law of the Land; The Civil Rights Act, Title 42 of the United States Code, Sections 1983, 1985 (2) (3); and thus, the Defendant's motion to dismiss should be denied in its entirety.

Respectfully submitted, /s/ Frank Pravda

FRANK PRAVDA, Plaintiff

P.O. Box 313, Round Lake, N.Y. 12151

# THE CONSTITUTION
# OF THE
# UNITED STATES OF AMERICA
## (Pertinent Text)

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

SECTION 8. The Congress shall have power to law and collect taxes, duties, imports, and excises, to pay the debts and provide for the common defence and general welfare of the

United States; but all duties, imposts, and excises shall be uniform throughout the United States;

********************

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

********************

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the malitia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the malitia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

********************

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SECTION 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque or reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

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No State shall, without the consent of the Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

SECTION 1. The executive power shall be vested in a President of the United States of America.

**********

Before he enter on the execution of his office, he shall take the following oath or affirmation:

" I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION 2. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States;

**********

ARTICLE III

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

**********

SECTION 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party;

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In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In

all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exception, and under such regulations as the Congress shall make.

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ARTICLE IV

SECTION 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

**********

ARTICLE VI

**********

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the

contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution;

**********

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures,

shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

AMENDMENT VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

AMENDMENT IX

The enumeration of the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

AMENDMENT XI

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects

of any foreign State.

AMENDMENT XIV

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

# STATUTES
# OF THE
# UNITED STATES OF AMERICA
# (UNITED STATES CODE)

Title 28, Section 1254 (Pertinent Text)

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

Title 28, Section 1291 (Pertinent Text)

The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States,

Title 28, Section 1331

The district courts shall have original jurisdiction of all civil actions arising

under the Constitution, laws, or treaties of the United States.

Title 28, Section 1343 (Pertinent Text)

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right,

privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

Title 28, Section 1651 (Pertinent Text)

(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

Title 28, Section 2106

The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the

cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances.

Title 42, Section 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the partyinjured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Title 42, Section 1985 (Pertinent Text)

(2) If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to be him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws,

or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an

elector for President or Vice-President, or as a member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

# FEDERAL RULES
# OF CIVIL PROCEDURE
## (Pertinent Text)

### RULE 12 (b) (1) (6)

Every defense, in law or fact, to a claim for relief in any pleading, whether a claim, counterclaim, cross-claim, or third-party claim, shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion:

(1) lack of jurisdiction over the subject matter,

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(6) to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given

reasonable opportunity to present all material made pertinent to such a motion by Rule 56.

RULE 41 (b)

For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or of any claim against the defendant. After the plaintiff, in an action tried by the court without a jury, has completed the presentation of evidence, the defendant, without waiving the right to offer evidence in the event the motion is not granted, may move for a dismissal on the ground that upon the facts and the law the plaintiff has shown no right to relief. The court as trier of the facts may then determine them and render judgment against the plaintiff or may decline to render any judgment until the close of all the evidence. If the court renders judgment on the merits against the plaintiff, the court shall make findings as provided in

Rule 52(a). Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction, for improper venue, or for failure to join a party under Rule 19, operates as an adjudication upon the merits.

RULE 52 (a)

In all actions tried upon the facts without a jury or with an advisory jury, the court shall find the facts specially and state separately its conclusions of law thereon, and judgment shall be entered pursuant to Rule 58;

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Finding of fact and conclusions of law are unnecessary on decisions of motions under Rule 12 or 56 or any other motion except as provided in Rule 41 (b).

RULE 54 (b)

When more than one claim for relief is presented in an action, whether a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.

RULE 56 (b)

A party against whom a claim, counter-claim, or cross-claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in the party's favor as to all or any part thereof.

RULE 56 (c)

The motion shall be served at least 10 days before the time fixed for the hearing. The adverse party prior to the day of hearing may serve opposing affidavits. The judgment sought to be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.

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RULE 58

Subject to the provisions of Rule 54(b):

(1) upon a general verdict of a jury, or upon a decision by the court that a party shall recover only a sum certain or costs or that all relief shall be denied, the clerk, unless the court otherwise orders, shall forthwith prepare, sign, and enter the judgment without awaiting any direction by the court;

**********

State of New York

County of Saratoga

On this 29th day of April, 1992, before me, the undersigned a Notary Public, duly commissioned and qualified for in said county, personally came Frank Pravda to me known to be the identical person whose name is affixed to the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed.

Witness my hand and Notarial Seal the day and year last above written.

Eleanor W. Ryan Notary Public

Supreme Court, U.S.
FILED
JUN 1 1992
OFFICE OF THE CLERK

(2)

No. 91-1761
October, 1991 Term
IN THE SUPREME COURT OF THE
UNITED STATES

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FRANK PRAVDA,

Petitioner,

-against-

UNITED STATES OF AMERICA; STATE OF NEW YORK; COUNTY OF SARATOGA, N.Y.; CITY OF SARATOGA SPRINGS, N.Y.; GEORGE HERBERT WALKER BUSH; JAMES D. BOWEN; JOHN M. HOGAN, JR.; ERNEST GRANT; TIMOTHY C. GRANT; JANICE GRANT; JOHN DOE; MAX DOE; JACK DOE; JAMES DOE; RONALD DOE; ROBERT DOE; PHIL DOE,

Respondents,

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ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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# BRIEF IN OPPOSITION TO PETITION FOR CERTIORARI

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JOHN J. CARUSONE, JR.
Counsel of Record
for Respondent
City of Saratoga Springs, N.Y.

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## QUESTION PRESENTED

Whether the dismissal of Petitioner's complaint for failure to state a cause of action under 42 U.S.C Section 1983 and Section 1985 presents a question which warrants review by this Court.

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No. 91-1761

IN THE SUPREME COURT OF THE
UNITED STATES

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FRANK PRAVDA,

Petitioner,

-against-

UNITED STATES OF AMERICA; STATE OF NEW YORK; COUNTY OF SARATOGA, N.Y.; CITY OF SARATOGA SPRINGS, N.Y.; GEORGE HERBERT WALKER BUSH; JAMES D. BOWEN; JOHN M. HOGAN, JR.; ERNEST GRANT; TIMOTHY C. GRANT; JANICE GRANT; JOHN DOE; MAX DOE; JACK DOE; JAMES DOE; RONALD DOE; ROBERT DOE; PHIL DOE,

Respondents,

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ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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# BRIEF FOR THE CITY OF SARATOGA SPRINGS IN OPPOSITION

## OPINIONS BELOW

The opinion of the Court of Appeals, filed on February 3, 1992, was not reported and is contained in Petitioner's Appendix. (Pet. App. 1a-4a) The opinion of the United States District Court for

the Northern District of New York, filed on August 14, 1991, was not reported and is contained in Petitioner's Appendix. (Pet. App. 5a-7a)

## JURISDICTION

The judgment of the Court of Appeals for the Second Circuit was entered on February 3, 1992. The Petition for Certiorari was received on May 1, 1992. Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. § 1254(1).

## CONSTITUTIONAL PROVISIONS AND STATUTES

The statutes involved in this case are 42 U.S.C. § 1983 and 42 § U.S.C. 1985(2)(3). The text of these statutes is set forth in Petitioner's Appendix at 201a-204a. The procedural rule involved in this case is Fed. R. Civ. Pro. 12(b)(6), the text of which is set forth in Petitioner's Appendix at 205a-206a.

## STATEMENT OF THE CASE

In April 1991, Petitioner Frank Pravda (hereinafter "Petitioner") commenced an action in the United States District Court for the Northern District of New York against Respondent City of Saratoga Springs (hereinafter "the City") and a variety of individuals and governmental entities, for damages under 42 U.S.C. Sections 1983 and 1985(2)(3). The apparent crux of his sixty-four page complaint is that the Respondents have formed a conspiracy to harass and torture Petitioner and otherwise deprive him of his civil rights. Petitioner alleges that he was the recipient of threats, was arrested and incarcerated, was injured during his incarceration, and was the target of military surveillance during the occurrence of recent incidents in

the Middle East. Petitioner alleges that these acts were carried out by the Respondents in furtherance on a conspiracy to take land owned by the Petitioner. (See complaint, paragraphs 32-35, Pet. App. 31a-45a.)

After the action was joined, several Respondents moved to dismiss the complaint. By Order dated August 14, 1991, the District Court (J. McAvoy) dismissed with prejudice all federal claims against all defendants on the grounds of sovereign immunity and failure to state a cause of action. Judge McAvoy also found that this litigation was frivolous. Pet. App. 5a-7a. The State law claims were dismissed without prejudice. Petitioner appealed this decision.

The U.S. Court of Appeals, Second Circuit, affirmed the District Court decision. Due to the vagueness of the complaint and all documents submitted by

Petitioner, the Court of Appeals found that giving Petitioner further opportunity to amend would be pointless and that dismissal was the proper remedy. Pet. App. 1a-4a.

## SUMMARY OF ARGUMENT

Petitioner's complaint failed to set forth the detailed facts required to state a claim for violation of and conspiracy to violate his civil rights under 42 U.S.C. Section 1983 and Section 1985. The complaint also contains allegations which are incapable of proof and, at times, incapable of understanding. Since the briefs and memoranda subsequently submitted by Petitioner were merely a repetition of the allegations contained in the complaint, the Court of Appeals correctly concluded that allowing Petitioner more

time to amend his complaint would be pointless.

Since the criteria for stating a cause of action under 42 U.S.C. Section 1983 and Section 1985 is well settled and was properly applied by the Courts below, and the dismissal of an insufficient complaint has long been held to be an appropriate procedure, Petitioner has not presented questions which warrant review by this Court.

## REASONS WHY THE WRIT SHOULD BE DENIED

### I. PETITIONER HAS NOT PRESENTED QUESTIONS WHICH WARRANT REVIEW BY THIS COURT.

#### A. Petitioner's fundamental rights were not violated by the dismissal of his Federal Law claims.

Pursuant to 28 U.S.C. § 2072(a), "[t]he

Supreme Court [has] the power to prescribe general rules of practice and procedure . . . for cases in the United States district courts . . . and courts of appeals." Federal Rule of Civil Procdure 12 sets forth the procedure for dismissing a complaint. Under paragraph (b), subsection (6), a complaint may be dismissed for "failure to state a claim upon which relief may be granted." As will be shown below, the District Court's decision which dismissed Petitioner's complaint, and the Court of Appeals' affirmance thereof were well within the precedents, established by this Court, to evaluate the sufficiency of claims under the civil rights act.

**B. Petitioner's complaint is insufficient to state a cause of action under 42 U.S.C. § 1983 against the City.**

In Monell v. Department of Social

Services of the City of New York, 436 U.S. 658, 691 (1978), this Court stated that the "touchstone of a Section 1983 action against a government body is an allegation that offical policy is responsible for a deprivation of rights protected by the Constitution." Based on this Court's analysis of municipal liability under Section 1983, the Second Circuit established a two-prong test to determine liability: 1)"the plaintiff . . . bears the burden of showing first that the governmental entity maintained or practiced an unconstitutional or unlawful "policy" or "custom"" and 2) "that that custom caused or was the "moving force" behind the violation." Dominguez v. Beame, 603 F.2d 337, 341 (1979), cert. denied, 446 U.S. 917 (1980).

In his complaint, Petitioner alleges that the City maintained a "data bank" and "torture chamber" wherein Petitioner was

allegedly subjected to "barbaric terrorist threats" and "violent assaults". See Pet. App. 35a-45a. These rambling, conclusory, and vague allegations which constitute Petitioner's pleadings and motion papers are clearly insufficient to support a claim of a "municipal policy [which] condones the commission of unconstitutional acts by its officers." See Katz v. Morgenthau, 709 F. Supp. 1219, 1228 (S.D.N.Y. 1989). Under these circumstances, and given the repetitive nature of the documents submitted by Petitioner, it cannot be said that the Court of Appeals' decision to affirm the dismissal of Petitioner's complaint deviated so far from the accepted and usual course of judicial proceedings so as to warrant supervision by this Court.

**C. Petitioner's complaint fails to state a cause of action under 42 U.S.C. § 1985.**

It is well established that in order to state a cause of action under 42 U.S.C. § 1985(3), the complaint must meet the specific pleading requirements set forth in the statute and enunciuated in Griffen v. Breckenridge, 403 U.S. 88 (1971). In addition, this Court has interpreted "[t]he language requiring intent to deprive of equal protection, or equal privileges and immunities, [as] mean[ing] that there must be some racial, or perhaps otherwise class-based, invidiously discriminatory animus behind the conspirators' action. Id. at 102. This invidious discriminatory animus against a so-called "protected class" must also be plead to establish a claim under Section 1985(2). See e.g. Katz, supra,; Martin Hodas v. Lindsay, 431 F. Supp. 637

(S.D.N.Y. 1977).

In his complaint, Petitioner alleges that:

> he was targeted because he belongs to a class of citizens who owns property sought by politico-private-police-business-governmental interests and/or was an obstacle to said interests objectives in unlawfully gaining private property belonging to Pravda; and was also targeted becasue he belonged to a class of citizens of Eastern European descent. Pet. App. 92a.

Petitioner also alleged in his brief submitted to the Court of Appeals that he was a member of a class consisting of the "earlier generation". However, these allegations, even if true, do not rise to the level of animus against a class required to state a claim under Section 1985. See United Brotherhood of Carpenters & Joiners of America, Local 610 v. Scott, 463 U.S. 825, 838 (1983)(Section 1985(3) cannot be construed to reach conspiracies motivated by economic or commercial animus.)

Petitioner's complaint was properly dismissed because the complaint, on its face, did not allege the requisite discriminatory animus or membership in a protected class. The affirmance of this dismissal does not conflict with the decisions of this Court or of other courts of appeal. Therefore, there is is no need for review of said decision by this Court.

## CONCLUSION

Based on the foregoing, the petition for certiorari should be denied.

Dated: May 25, 1992

Respectfully submitted,

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